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DEPARTMENT OF AGRICULTURE

Foreign Agricultural Service

7 CFR Part 1580

RIN 0551-AA66

Trade Adjustment Assistance for Farmers

AGENCY: Foreign Agricultural Service, USDA.

ACTION: Final rule; Technical amendments.

SUMMARY: This final rule makes technical amendments to the regulation implementing the Trade Adjustment Assistance for Farmers (TAA) program.

DATES: Effective on November 1, 2004.

FOR FURTHER INFORMATION CONTACT: Jean-Louis Pajot, Import Policies and Programs Division, Foreign Agricultural Service, 1400 Independence Avenue, SW., STOP 1021, by e-mail at: trade.adjustment@fas.usda.gov, telephone 202-720-2916, or fax at 202-720-0876.

SUPPLEMENTARY INFORMATION: The regulation implementing the TAA program is codified at 7 CFR part 1580. The program is authorized by Chapter 6 of Title II of the Trade Act of 1974, as amended by Subtitle C of Title I of the Trade Act of 2002 (Pub. L. 107-210) (19 U.S.C. 2551, *et seq.*) (the Trade Act).

This regulation makes the following five technical corrections to 7 CFR Part 1580:

The first correction specifies the documentation required to certify the net farm income of agricultural cooperatives, partnerships and corporations. These entities are eligible to apply for TAA because § 1580.102 defines a "producer" as a person who is either an owner, operator, landlord, tenant, or sharecropper, who shares in the risk of producing a crop and who is entitled to share in the crop available for

marketing from the farm, or a qualified fisherman, and the same section defines a "person" to mean an individual, partnership, joint stock owner, corporation, association, trust, estate, or another legal entity as defined in 7 CFR 1400.3. The current regulation, however, only specifies documentation for certifying the net farm income of self-employed farmers, *i.e.*, those filing Internal Revenue Service (IRS) Schedule F (Form 1040): Profit or Loss From Farming, and Form 4835: Farm Rental Income and Expenses. Therefore, to correct this deficiency, all references to IRS forms are removed from § 1580.102. The amended rule sets forth a complete list of acceptable forms and schedules supporting net income certifications under § 1580.502 of the regulation, where record maintenance is addressed.

The second change corrects an inconsistency in identifying the relevant tax year to be used when producers certify to lower net farm or fishing incomes. Producers petition for TAA with respect to the most recent marketing year for which national average prices are available. Section 1580.102 defines net farm and fishing income as income earned during the tax year that most closely corresponds with the marketing year being considered for TAA. To be eligible for payments, producers must certify under § 1580.301(e)(4) that their net farm or fishing income for the most recent tax year was less than that during their pre-adjustment year. Because national average prices take months to be gathered and published by the Department, a producer's most recent tax year may follow the tax year that most closely corresponds with the marketing year being considered for TAA. Therefore, to correct this deficiency, § 1580.301(e)(4) is amended to delete reference to "the most recent tax year". Consequently producers are required to certify that net farm or fishing income during the tax year that most closely corresponds with the marketing year under consideration was less than that during their pre-adjustment tax year, in order to receive payments.

The third change authorizes the use of alternative procedures for producers to certify to their adjusted gross income (AGI) authorized by section 296 (a)(2)(A)(ii)(II) of the Trade Act. Section 1580.301(e)(6) describes the

documentation that a producer shall provide to support certification that their AGI, as determined in accordance with 7 CFR 1400.601, for the 3 preceding tax years does not exceed \$2,500,000. Section 1580.301(e) is therefore amended to allow producers to certify their AGI limitation by either providing specified documentation or by providing other information prescribed by the Department. This amendment will permit FAS to conform the TAA procedures to those adopted by the Farm Service Agency (FSA) regarding certification of AGI. Producers will still be obligated to provide specific documents supporting their AGI, when requested by the Department.

The fourth correction concerns the deadline by which applicants must provide certifications to qualify for adjustment assistance payments. Under § 1580.301(c) producers must submit documentation to support the amount of their production when submitting an application for TAA. The purpose of this requirement is twofold. First, it assures that only verifiable producers of the commodity are referred to the Extension Service for free technical assistance and services; and second, it establishes a fiscal obligation for each applicant, upon which the Department builds its estimate of program expenditures and calculates prorated payments, when appropriated funds are insufficient. Section 1580.303(a) requires applicants to satisfy by September 30 all the conditions of § 1580.301 to qualify for TAA payments. This statement could be misinterpreted to mean that producers have until September 30, to provide documentation supporting the amount of their production. Therefore, § 1580.303(a) is amended to clarify that the September 30 deadline applies only to the certifications under § 1580.301(e).

The fifth correction concerns the appeals procedure under § 1580.505. The regulation designated the FSA administrative appeal procedure to resolve disputes involving applications for program benefits. This has led to some confusion that entities applying for TAA benefits could appeal denials to the National Appeals Division (NAD) within USDA. This was not intended, and would not be appropriate, because appeals from NAD go to the United States District Courts, whereas the Trade Act (19 U.S.C. 2395) grants to the

United States Court of International Trade jurisdiction over of all claims arising under the TAA program. Therefore, § 1580.505 is amended to delete the utilization of FSA's administrative appeals process, including oversight by the FSA Deputy Administrator and State committees.

Corrections to the Final Rule

■ Accordingly, for the reasons set forth in the preamble, FAS amends 7 CFR part 1580 to read as follows:

PART 1580—[CORRECTED]

■ 1. The authority citation for 7 CFR part 1580 continues to read as follows:

Authority: 19 U.S.C. 2401.

§ 1580.102 [Corrected]

■ 2. In § 1580.102, the definition of "Deputy Administrator" is deleted, and the definitions for "net farm income", "net fishing income," and "qualified fisherman" are revised to read as follows:

§ 1580.102 Definitions.

* * * * *

Net farm income means net farm profit or loss, excluding payments under this part, reported to the Internal Revenue Service for the tax year that most closely corresponds with the marketing year under consideration.

Net fishing income means net profit or loss, excluding payments under this part, reported to the Internal Revenue Service for the tax year that most closely corresponds with the marketing year under consideration.

* * * * *

Qualified fisherman means a person whose catch competes in the marketplace with like or directly competitive aquaculture products and report net fishing income to the Internal Revenue Service.

* * * * *

§ 1580.301 [Corrected]

■ 3. Section 1580.301 is amended by revising paragraphs (e)(4) and (e)(6) and by adding paragraph (e)(7) to read as follows:

§ 1580.301 Application for trade adjustment assistance.

* * * * *

(e) * * *

(4) Certification that net farm or fishing income was less than that during the producer's pre-adjustment year.

* * * * *

(6) To comply with certifications in paragraph (e)(4) of this section, an applicant shall provide either—

* * * * *

(7) To comply with certifications in paragraph (e)(5) of this section, an applicant shall provide either—

(i) Supporting documentation from a certified public accountant or attorney,

(ii) Relevant documentation and other supporting financial data, such as financial statements, balance sheets, and reports prepared for or provided to the Internal Revenue Service or another U.S. Government agency, or

(iii) Information prescribed by the Department.

* * * * *

§ 1580.303 [Corrected]

■ 4. Section 1580.303(a) is revised to read as follows:

§ 1580.303 Adjustment assistance payments.

(a) Applicants shall satisfy by September 30 all certifications of § 1580.301(e) to qualify for adjustment assistance payments.

* * * * *

■ 5. Section 1580.501 is revised as follows:

§ 1580.501 Administration.

(a) The application process shall be carried out in the field by FSA county committees.

(b) FSA county committees and representatives do not have the authority to modify or waive any of the provisions of this part.

(c) The Administrator, may, by timely and appropriate public notification, modify non-statutory opening dates and deadlines for submitting petitions.

(d) The Administrator may authorize the FSA county committees to waive or modify non-statutory application deadlines or other program requirements in cases where lateness or failure to meet such other requirements by applicants does not adversely affect the operation of the program.

§ 1580.502 [Corrected]

■ 6. Section 1580.502 is amended by adding paragraphs (a)(1) and (a)(2) and by revising paragraph (d) to read as follows:

§ 1580.502 Maintenance of records, audits and compliance.

(a) * * *

(1) Acceptable production documentation may include copies of receipts, ledgers, income statements, deposit slips, register tapes, invoices for custom harvesting, records to verify production costs, contemporaneous measurements, truck scale tickets, fish tickets, landing reports, and contemporaneous diaries that are determined acceptable by the county committee.

(2) Acceptable income documentation shall include, as appropriate, copies of Internal Revenue Service Form 990-C, Farmers' Cooperative Association Income Tax Return; Form 1040, U.S. Individual Income Tax Return; Schedule C (Form 1040), Profit or Loss From Business; Schedule F (Form 1040), Profit or Loss From Farming; Form 1065, U.S. Return of Partnership Income; Form 1120, U.S. Corporation Income Tax Return; or Form 4835, Farm Rental Income and Expenses.

* * * * *

(d) If requested in writing by the United States Department of Agriculture or the Comptroller General of the United States, the producer shall provide all information and documentation the reviewing authority determines necessary to verify any information or certification provided under this subpart, including all documents referred to in § 1580.301(c), within 30 days. Documentation may be submitted by facsimile, in person, or by mail. Failure to provide necessary and accurate information to verify compliance, or failure to comply with the subpart's requirements, will result in ineligibility for all program benefits subject to this subpart for the year or years subject to the request.

■ 7. Section 1580.505 is revised to read as follows:

§ 1580.505 Appeals

Any person aggrieved by a final determination made with respect to an application for program benefits under this part may appeal to the United States Court of International Trade for a review of such determination, in accordance with its rules and procedures.

Signed at Washington, DC, on October 14, 2004.

A. Ellen Terpstra,

Administrator, Foreign Agricultural Service.

[FR Doc. 04-24352 Filed 10-29-04; 8:45 am]

BILLING CODE 3410-10-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 30428; Amdt. No. 3108]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: This rule is effective November 1, 2004. The compliance date for each SIAP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of November 1, 2004.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;
2. The FAA Regional Office of the region in which the affected airport is located;
3. The flight Inspection Area Office which originated the SIAP; or,
4. The National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

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FOR FURTHER INFORMATION CONTACT: Donald P. Pate, Flight Procedure Standards Branch (AMCAFS-420), Flight Technologies and Programs Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500

South MacArthur Blvd., Oklahoma City, OK 73169 (Mail Address: P.O. Box 25082 Oklahoma City, OK 73125) telephone: (405) 954-4164.

SUPPLEMENTARY INFORMATION: This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Federal Aviation Regulations (FAR). The applicable FAA Forms are identified as FAA Forms 8260-3, 8260-4, and 8260-5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

The Rule

This amendment to part 97 is effective upon publication of each separate SIAP as contained in the transmittal. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (NFDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these SIAPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close

and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are impracticable and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

Conclusion

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air Traffic Control, Airports, Incorporation by reference, and Navigation (Air).

Issued in Washington, DC, on October 22, 2004.

James J. Ballough,

Director, Flight Standards Service.

Adoption of the Amendment

■ Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

* * * *Effective November 25, 2004*

Almyra, AR, Almyra Muni, RNAV (GPS) RWY 36, Amdt 1
Almyra, AR, Almyra Muni, VOR/DME-A, Amdt 6
Clarksville, AR, Clarksville Muni, RNAV (GPS) RWY 9, Orig
Clarksville, AR, Clarksville Muni, RNAV (GPS) RWY 27, Orig

Clarksville, AR, Clarksville Muni, GPS RWY 9, Orig-A, CANCELLED

Clarksville, AR, Clarksville Muni, GPS RWY 27, Orig, CANCELLED

Orange, MA, Orange Muni, NDB RWY 1, Orig

Westminster, MD, Carroll County Regional/Jack B Poage Field, RNAV (GPS) RWY 16, Amdt 1

Cook, MN, Cook Muni, RNAV (GPS) RWY 31, Orig

Cook, MN, Cook Muni, NDB OR GPS RWY 31, Amdt 1B, CANCELLED

Wolf Point, MT, L.M. Clayton, NDB RWY 29, Amdt 3

Wolf Point, MT, L.M. Clayton, RNAV (GPS) RWY 11, Orig

Wolf Point, MT, L.M. Clayton, RNAV (GPS) RWY 29, Orig

Penn Yan, NY, Penn Yan, RNAV (GPS) RWY 1, Amdt 1

Cleveland, OH, Cleveland-Hopkins Intl, ILS OR LOC/DME RWY 24R, Amdt 3; ILS RWY 24R (CAT II), Amdt 3; ILS RWY 24R (CAT III), Amdt 3

Cleveland, OH, Cleveland-Hopkins Intl, ILS OR LOC RWY 24L, Amdt 19

Cleveland, OH, Cleveland-Hopkins Intl, RNAV (GPS) RWY 6R, Amdt 1

Cleveland, OH, Cleveland-Hopkins Intl, RNAV (GPS) RWY 24L, Amdt 1

Cleveland, OH, Cleveland-Hopkins Intl, RNAV (GPS) RWY 24R, Amdt 1

Cleveland, OH, Cleveland-Hopkins Intl, RNAV (GPS) Y RWY 6R, Orig, CANCELLED

Cleveland, OH, Cleveland-Hopkins Intl, RNAV (GPS) Y RWY 24R, Orig, CANCELLED

Columbus, OH, Port Columbus Intl, ILS OR LOC RWY 10R, Amdt 8

Oklahoma City, OK, Will Rogers World, RNAV (GPS) RWY 35L, Amdt 2

Washington, PA, Washington County, ILS OR LOC RWY 27, Orig

Washington, PA, Washington County, LOC RWY 27, Amdt 1B, CANCELLED

Denton, TX, Denton Muni, ILS OR LOC RWY 17, Amdt 8

Provo, UT, Provo Muni, RNAV (GPS) RWY 13, Orig

Provo, UT, Provo Muni, VOR RWY 13, Amdt 3

Provo, UT, Provo Muni, VOR/DME RWY 13, Amdt 1

Provo, UT, Provo Muni, GPS RWY 13, Orig, CANCELLED

Christiansted, VI, Henry E Rohlsen, RNAV (GPS) RWY 28, Orig

* * * *Effective December 23, 2004*

Helena/West Helena, AR, Thompson-Robbins, NDB RWY 17, Amdt 5, CANCELLED

Hermiston, OR, Hermiston Muni, RNAV (GPS)-B, Orig-A

* * * *Effective January 20, 2005*

Columbus, GA, Columbus Metropolitan, ILS OR LOC RWY 6, Amdt 25

Columbus, GA, Columbus Metropolitan, VOR-A, Amdt 23

Columbus, GA, Columbus Metropolitan, NDB RWY 6, Amdt 28

Columbus, GA, Columbus Metropolitan, VOR/DME RNAV OR GPS RWY 24, Amdt 2A, CANCELLED

Columbus, GA, Columbus Metropolitan, RADAR-1, Amdt 9

Columbus, GA, Columbus Metropolitan, RNAV (GPS) RWY 6, Orig

Columbus, GA, Columbus Metropolitan, RNAV (GPS) RWY 13, Orig

Columbus, GA, Columbus Metropolitan, RNAV (GPS) RWY 24, Orig

Wichita, KS, Colonel James Jabara, ILS OR LOC/DME RWY 18, Orig

Lake Charles, LA, Chennault Intl, RNAV (GPS) RWY 15, Orig

Lake Charles, LA, Chennault Intl, RNAV (GPS) RWY 33, Orig

Lake Charles, LA, Chennault Intl, ILS OR LOC RWY 15, Amdt 5

Lake Charles, LA, Chennault Intl, NDB RWY 15, Orig

Lake Charles, LA, Chennault Intl, VOR RWY 33, Amdt 4

Machias, ME, Machias Valley, RNAV (GPS) RWY 36, Orig-A

The FAA published an Amendment in Docket No. 30425, Amdt No. 3106 to Part 97 of the Federal Aviation Regulations (Vol 69, FR No. 199, Pages 61148; dated Friday, October 15, 2004) under Section 97.33 effective November 25, 2004 which is hereby reinstated and will be published effective November 25, 2004:

Inyokern, CA, Inyokern, RNAV (GPS) Y RWY 2, Orig-A

The FAA published an Amendment in Docket No. 30425, Amdt No. 3106 to Part 97 of the Federal Aviation Regulations (Vol 69, FR No. 199, Pages 61148; dated Friday, October 15, 2004) under Section 97.33 effective November 25, 2004 which is hereby rescinded in its entirety:

Inyokern, CA, Inyokern, RNAV (GPS) Z RWY 2, Orig-A

The FAA published an Amendment in Docket No. 30425, Amdt No. 3106 to Part 97 of the Federal Aviation Regulations (Vol 69, FR No. 199, page 61146; dated October 15, 2004) under section 97.33 effective 25 NOV 2004, which is hereby rescinded:

Fargo, ND, Hector Intl, RNAV (GPS) RWY 18, Orig

Fargo, ND, Hector Intl, RNAV (GPS) RWY 36, Orig

Fargo, ND, Hector Intl, RADAR-1, Amdt 11

[FR Doc. 04-24256 Filed 10-29-04; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

37 CFR Parts 2 and 7

[Docket No. 2004-T-037]

RIN 0651-AB78

New Mailing Addresses for Paper Submissions of Trademark-Related Correspondence and Madrid Protocol Rules Change

AGENCY: United States Patent and Trademark Office, Commerce.

ACTIONS: Final rule; correction.

SUMMARY: The United States Patent and Trademark Office ("Office") published a final rule in the **Federal Register** of September 24, 2004, setting forth new mailing addresses for trademark-related correspondence submitted on paper and amending some of the rules governing submissions of documents pursuant to the Protocol Relating to the Madrid Agreement Concerning the International Registrations of Marks ("Madrid Protocol") in the United States. This document corrects the omission of a new address for general trademark-related correspondence delivered by hand or courier. This document also clarifies the new address for hand-delivered trademark-related correspondence pursuant to the Madrid Protocol to make it easier for trademark customers to find the location on the Office's new campus.

DATES: Effective November 1, 2004.

FOR FURTHER INFORMATION CONTACT:

Cheryl L. Black, Office of the Commissioner for Trademarks, by telephone at (703) 308-8910, ext. 153, or by e-mail to cheryl.black@uspto.gov.

SUPPLEMENTARY INFORMATION: The United States Patent and Trademark Office ("Office") published in the **Federal Register** of September 24, 2004, (69 FR 57181) a final rule setting forth new mailing addresses for trademark-related correspondence submitted on paper in part 2 of 37 CFR and amending some of the rules governing submissions of documents pursuant to the Protocol Relating to the Madrid Agreement Concerning the International Registrations of Marks ("Madrid Protocol") in the United States in part 7 of 37 CFR. The changes to the rules set forth the new address for hand deliveries of trademark-related filings pursuant to the Madrid Protocol in § 7.4. The Office, however, inadvertently omitted that same new address, which should be used for all other trademark-related correspondence delivered by hand or courier, from § 2.190. This document corrects a typographical error in the zip code for that address in the final rule. This document also adds the new address for hand and courier deliveries to § 2.190 and clarifies the address in § 7.4 to make it easier for customers delivering trademark-related correspondence pursuant to the Madrid Protocol by hand or courier to find the location on the Office's new campus.

List of Subjects

37 CFR Part 2

Administrative practice and procedure, Trademarks.

37 CFR Part 7

Administrative practice and procedure, Trademarks.

■ The Office is correcting parts 2 and 7 of title 37 as follows:

PART 2—RULES OF PRACTICE IN TRADEMARK CASES

■ 1. The authority citation continues to read as follows:

Authority: 15 U.S.C. 1123, 35 U.S.C. 2, unless otherwise noted.

■ 2. Amend § 2.190 by revising paragraph (a) to read as follows:

§ 2.190 Addresses for trademark correspondence with the United States Patent and Trademark Office.

(a) Trademark correspondence. In general. All trademark-related documents filed on paper, except documents sent to the Assignment Services Division for recordation; requests for copies of trademark documents; and certain documents filed under the Madrid Protocol as specified in paragraph (e) of this section, should be addressed to: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451. All trademark-related documents may be delivered by hand, during the hours the Office is open to receive correspondence, to the Trademark Assistance Center, James Madison Building—East Wing, Concourse Level, 600 Dulany Street, Alexandria, Virginia 22314.

PART 7—RULES OF PRACTICE IN FILINGS PURSUANT TO THE PROTOCOL RELATING TO THE MADRID AGREEMENT CONCERNING THE INTERNATIONAL REGISTRATION OF MARKS

■ 3. The authority citation continues to read as follows:

Authority: 15 U.S.C. 1123, 35 U.S.C. 2, unless otherwise noted.

■ 4. Revise § 7.4, by revising paragraph (c) to read as follows:

§ 7.4 Receipt of correspondence.

* * * * *

(c) Hand-Delivered Correspondence. International applications under § 7.11, subsequent designations under § 7.21, responses to notices of irregularity under § 7.14, requests to record changes in the International Register under § 7.23 and § 7.24, requests for transformation under § 7.31, and petitions to the Director to review an action of the Office's Madrid Processing Unit, may be delivered by hand during the hours the Office is open to receive correspondence. Madrid-related hand-delivered correspondence must be delivered to the Trademark Assistance Center, James Madison Building—East Wing, Concourse Level, 600 Dulany Street, Alexandria, VA 22314, Attention: MPU.

* * * * *

Dated: October 26, 2004.

Jon W. Dudas,

Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

[FR Doc. 04-24311 Filed 10-29-04; 8:45 am]

BILLING CODE 3510-16-P

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 52**

[AZ 120-0063; FRL-7820-2]

Revisions to the Arizona State Implementation Plan, Arizona Department of Environmental Quality

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is finalizing a full approval of some revisions to the Arizona Department of Environmental Quality (ADEQ) portion of the Arizona State Implementation Plan (SIP) and a

limited approval/limited disapproval of another revision to the SIP. This action was proposed in the **Federal Register** on May 14, 2004 and concerns sulfur dioxide (SO₂) emissions from existing primary copper smelters. Under authority of the Clean Air Act as amended in 1990 (CAA or the Act), this action simultaneously approves rules that regulate these emission sources and directs Arizona to correct rule deficiencies.

DATES: This rule is effective on December 1, 2004.

ADDRESSES: You can inspect copies of the administrative record for this action at EPA's Region IX office during normal business hours by appointment. You can inspect copies of the submitted SIP revisions by appointment at the following locations: Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901.

Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, Room B-102, 1301 Constitution Avenue, NW., (Mail Code 6102T), Washington, DC 20460.

Arizona Department of Environmental Quality, 1110 West Washington Street, Phoenix, AZ 85007.

A copy of the rules may also be available via the Internet at http://www.sosaz.com/public_services/Title_18/18-02.htm. Please be advised that this is not an EPA Web site and may not contain the same version of the rule that was submitted to EPA.

FOR FURTHER INFORMATION CONTACT: Al Petersen, EPA Region IX, (415) 947-4118, petersen.alfred@epa.gov.

SUPPLEMENTARY INFORMATION: Throughout this document, "we," "us" and "our" refer to EPA.

I. Proposed Action

The following table lists the rules addressed by this action, with the dates that they were adopted and submitted by the ADEQ.

Local agency	Rule #	Rule title	Adopted	Submitted
ADEQ	R18-2-715 (sections F, G, and H).	Standards of Performance for Existing Primary Copper Smelters, Site-Specific Requirements.	08/09/02	09/12/03
ADEQ	R18-2-715.01	Standards of Performance for Existing Primary Copper Smelters, Compliance and Monitoring.	08/09/02	09/12/03
ADEQ	R18-2-715.02	Standards of Performance for Existing Primary Copper Smelters, Fugitive Emissions.	11/15/93	07/15/98
ADEQ	R18-2-appendix 8	Procedures for Utilizing the Sulfur Balance Method for Determining Sulfur Emissions.	11/15/93	07/15/98

On May 14, 2004 (69 FR 26786), EPA proposed a full approval of ADEQ's submitted Rules R18-2-715 (sections F,

G, and H), R18-2-715.01, and R18-2-715.02 as fulfilling the requirements of RACT, SIP relaxations, and

enforceability. On the same date, we proposed a limited approval and limited disapproval of Rule R18-2-appendix 8.

We proposed a limited approval because we determined that this rule improves the SIP and is largely consistent with the relevant CAA requirements. We simultaneously proposed a limited disapproval because some rule provisions of Rule R18–2–appendix 8 conflict with section 110 and part D of the Act. These provisions include the following:

1. Sections A.8.1.2 and A.8.2 contain excessive Director's discretion by allowing the Director to approve an equivalent method to calculate the sulfur content without providing the criteria that will be used to determine approvability.

2. Sections A.8.1.2.1.1, A.8.1.2.1.2, and A.8.1.2.1.3 should clarify how a representative sample should be taken from belt feeders, railcars, and trucks so that the sampling process is not biased.

3. Sections A.8.1.2.3.1 and A.8.1.2.3.2 should provide specific test methods for the "barium sulfate" and "potassium iodide" procedures.

4. Section A.8.2.5.5 should provide a specific test method for "chemical gravimetric means." Also the accuracy is stated as +50%, but it should be a \pm number. The accuracy of a gravimetric procedure is normally about $\pm 1\%$, not $\pm 50\%$.

5. The reference in A8.3.1 should be changed from R18–2–715(C)(4) to R18–2–715.01(K)–(O). Also, the reference in A.8.3.2 should be changed from R18–2–715(C)(7)(v) to R18–2–715.01(Q).

Based on information received during the comment period of our proposed action, we no longer consider deficiency #2 or the second part of deficiency #4 above to be deficiencies in Rule R18–2–appendix 8. See Comments and Responses #3 and #4. Our proposed action contains more information on the basis for this rulemaking and on our evaluation of the submittals.

II. Public Comments and EPA Responses

EPA's proposed action provided a 30-day public comment period ending on June 14, 2004. We received comments from the following parties:

Kenneth Evans, Arizona Mining Association (AMA); letter dated June 14, 2004 and received on June 14, 2004.

Nancy Wrona, ADEQ; letter dated June 11, 2004 and received on June 11, 2004.

The comments and our responses are summarized below.

Comment 1: EPA cited as a deficiency excessive ADEQ Director's discretion to approve alternate analytical procedures in Appendix 8. AMA and ADEQ state that Title V permits, which could include alternate analytical procedures

approved by the ADEQ Director's discretion, are then subject to EPA approval by the review and objection authority granted to EPA under Title V. Therefore, requiring another EPA approval of an alternate analytical procedure approved by the ADEQ Director's discretion is duplicative and unwarranted.

Response: Appendix 8 in its present form allows the ADEQ Director to approve an "equivalent method" without regard to the status of a Title V permit or EPA's approval of that permit. First, as noted in our proposed rule, the term "equivalent method" should be replaced with the term "alternative method," as these phrases have distinct meanings. Second, not all alternative procedures under Appendix 8 would necessarily end up in a Title V permit. Finally, depending on EPA's workload, we may not review every Title V permit thoroughly, and our default approval of an alternative procedure by our oversight, would not comply with the intent of Clean Air Act section 110(i). Appendix 8 must be revised to provide the criteria that will be used to determine approvability of an alternative method or must explicitly require the approval of both the ADEQ Director and EPA of an alternate analytical procedure.

Comment 2: EPA cited as a deficiency the absence of references to specific test methods for barium sulfate and potassium iodine procedures, as well as "chemical gravimetric means." AMA states that the chemical gravimetric means of analysis in sections A.8.1.2.3.1, A.8.1.2.3.2, and A.8.2.5.5 of appendix 8 are taken from *Standard Methods of Chemical Analysis*, 6th edition, N. Howell Furman, Ph.D, editor, D. Van Nostrand Co., Inc. (1962). This has been the "bible" of chemical analytical methods since the 1930s.

Response: We concur that this is an excellent reference for chemical gravimetric means and chemical analytical methods. However, this reference is missing from the submitted rule. It should be explicitly cited in Appendix 8.

Comment 3: EPA requested clarification of sampling procedures for sulfur-bearing materials introduced into the smelting process, so that sampling is not biased. ADEQ states that the materials sampled are a fine homogeneous mixture of concentrate from the flotation process, and therefore the current methods in sections A.8.1.2.1.1, A.8.1.2.1.2, and A.8.1.2.1.3 of appendix 8 are adequate to assure accurate accounting of the sulfur-bearing materials.

Response: As noted by ADEQ, sampling bias can occur when there is a large variation in the size of materials being sampled. However, sampling from a homogeneous mixture of finely ground material can be considered reliable and unbiased. Additional sulfur bearing materials are also introduced to the smelting process along with the homogeneous dry flotation concentrate mentioned by ADEQ, but the concentrate contains over 90% of the sulfur content in the mixture. EPA concurs that the methods described in the sections cited in Comment 3 are adequate for the type of sulfur-bearing material described. Therefore, we are not finalizing our concern regarding sampling procedures as a deficiency.

Comment 4: EPA commented that the accuracy of gravimetric methods is normally about $\pm 1\%$ instead of the $\pm 50\%$ accuracy required in section A.8.2.5.5. This requirement addresses the sulfur content of copper ingots. The sulfur content of copper ingots at one facility over a one-month period was 4 to 108 ppm sulfur with an average of 24.5 ppm. At these very low sulfur contents, an accuracy of $\pm 1\%$ is not feasible.

Response: EPA believes that better accuracy than $\pm 50\%$ for sulfur in copper ingots is feasible, although not close to $\pm 1\%$. However, a $\pm 50\%$ error in the sulfur content of copper ingots would cause a maximum error in the sulfur balance of $\pm 0.03\%$. Other measurements in the sulfur balance are subject to greater maximum errors, such as $\pm 5\%$, therefore an accuracy of better than $\pm 50\%$ is not reasonably required for the section A.8.2.5.5 contribution to the sulfur balance. Therefore, we are not finalizing our concern about the accuracy of gravimetric methods as a deficiency. However, as specified in deficiency #4 above, Section A.8.2.5.5 should provide a specific test method for "chemical gravimetric means," and should be revised to specify the maximum error as $\pm 50\%$, rather than $\pm 50\%$.

III. EPA Action

Although some submitted comments led us to not finalize some deficiencies listed in the proposed action, the remaining deficiencies in Rule R–18–2–appendix 8 conflict with section 110 and part D of the CAA and prevent full approval of this rule. Therefore, as authorized in sections 110(k)(3) and 301(a) of the Act, EPA is finalizing a full approval of ADEQ's submitted Rules R18–2–715 (sections F, G, and H), R18–2–715.01, and R–18–2–715.02. We are also finalizing a limited approval of Rule R–18–2–appendix 8. This action

incorporates the submitted rules into the Arizona SIP, including those provisions identified as deficient. As authorized under section 110(k)(3), EPA is simultaneously finalizing a limited disapproval of the Rule R-18-2-appendix 8. As a result, sanctions will be imposed unless EPA approves subsequent SIP revisions that correct the rule deficiencies within 18 months of the effective date of this action. These sanctions will be imposed under section 179 of the Act according to 40 CFR 52.31. In addition, EPA must promulgate a federal implementation plan (FIP) under section 110(c) unless we approve subsequent SIP revisions that correct the rule deficiencies within 24 months. Note that the submitted rules have been adopted by the ADEQ, and EPA's final limited disapproval does not prevent the local agency from enforcing them.

IV. Statutory and Executive Order Reviews

A. Executive Order 12866, Regulatory Planning and Review

The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order 12866, entitled "Regulatory Planning and Review."

B. Paperwork Reduction Act

This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*)

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions.

This rule will not have a significant impact on a substantial number of small entities because SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities.

Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of flexibility

analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. U.S. EPA*, 427 U.S. 246, 255-66 (1976); 42 U.S.C. 7410(a)(2).

D. Unfunded Mandates Reform Act

Under sections 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to the private sector, of \$100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated costs of \$100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

E. Executive Order 13132, Federalism

Federalism (64 FR 43255, August 10, 1999) revokes and replaces Executive Orders 12612 (Federalism) and 12875 (Enhancing the Intergovernmental Partnership). Executive Order 13132 requires EPA to develop an accountable process to ensure "meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications." "Policies that have federalism implications" is defined in the Executive Order to include regulations that have "substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government." Under Executive Order 13132, EPA may not issue a regulation that has federalism implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal

government provides the funds necessary to pay the direct compliance costs incurred by State and local governments, or EPA consults with State and local officials early in the process of developing the proposed regulation. EPA also may not issue a regulation that has federalism implications and that preempts State law unless the Agency consults with State and local officials early in the process of developing the proposed regulation.

This rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, because it merely approves a state rule implementing a federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. Thus, the requirements of section 6 of the Executive Order do not apply to this rule.

F. Executive Order 13175, Coordination With Indian Tribal Governments

Executive Order 13175, entitled "Consultation and Coordination with Indian Tribal Governments" (65 FR 67249, November 9, 2000), requires EPA to develop an accountable process to ensure "meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications." This final rule does not have tribal implications, as specified in Executive Order 13175. It will not have substantial direct effects on tribal governments, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes. Thus, Executive Order 13175 does not apply to this rule.

G. Executive Order 13045, Protection of Children From Environmental Health Risks and Safety Risks

Protection of Children From Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) Is determined to be "economically significant" as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and

explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This rule is not subject to Executive Order 13045 because it does not involve decisions intended to mitigate environmental health or safety risks.

H. Executive Order 13211, Actions That Significantly Affect Energy Supply, Distribution, or Use

This rule is not subject to Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355, May 22, 2001) because it is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act

Section 12 of the National Technology Transfer and Advancement Act (NTTAA) of 1995 requires Federal agencies to evaluate existing technical standards when developing a new regulation. To comply with NTTAA, EPA must consider and use "voluntary consensus standards" (VCS) if available and applicable when developing programs and policies unless doing so would be inconsistent with applicable law or otherwise impractical.

The EPA believes that VCS are inapplicable to this action. Today's action does not require the public to perform activities conducive to the use of VCS.

J. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2). This rule will be effective December 1, 2004.

K. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by January 3, 2005.

Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: September 14, 2004.

Wayne Nastri,

Regional Administrator, Region IX.

■ Part 52, Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

■ 1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart D—Arizona

■ 2. Section 52.120 is amended by adding paragraphs (c)(110)(i)(A)(2) and (c)(116) to read as follows:

§ 52.120 Identification of plan.

* * * * *

(c) * * *

(110) * * *

(i) * * *

(A) * * *

(2) Rules R18–2–715.02 and R18–2–715, Appendix 8 amended on November 15, 1993.

* * * * *

(116) New and amended regulations were submitted on September 12, 2003, by the Governor's designee.

(i) Incorporation by reference.

(A) Arizona Department of Environmental Quality.

(1) Rules R18–2–715 (sections F, G, and H) and R18–2–715.01 amended on August 9, 2002.

[FR Doc. 04–24334 Filed 10–29–04; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[ID–02–003; FRL–7825–3]

Approval and Promulgation of Air Quality Implementation Plans; Idaho; Correcting Amendments

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correcting amendments.

SUMMARY: This action corrects the incorporation by reference provisions in the approval of the Idaho PM₁₀ State Implementation Plan (SIP) maintenance plan for the Ada County/Boise, Idaho area published on October 27, 2003.

DATES: This action is effective November 1, 2004.

ADDRESSES: Copies of the supporting documentation used in developing this action and the action being corrected are available for inspection during normal business hours at the following locations: U.S. Environmental Protection Agency, Region 10, Office of Air, Waste and Toxics (AWT–107), 1200 Sixth Avenue, Seattle, Washington 98101; Idaho Operations Office, 1435 North Orchard Street, Boise, Idaho 83706.

FOR FURTHER INFORMATION CONTACT: Colleen Huck at (206) 553–1770 or Donna Deneen at (206) 553–6706 or at the above EPA, Region 10 address.

SUPPLEMENTARY INFORMATION: On October 27, 2003, (68 FR 61106), EPA approved an Idaho SIP maintenance plan which addressed the attainment and maintenance of the National Ambient Air Quality Standard (NAAQS) for PM₁₀ in the Ada County/Boise, Idaho area. PM₁₀ air pollution is suspended particulate matter with a diameter less than or equal to a nominal ten micrometers.

In approving the Ada County/Boise, Idaho PM₁₀ maintenance plan, EPA incorporated by reference specific permit conditions limiting particulate matter emissions for a number of facilities in the Ada County/Boise Idaho area (68 FR 61110). In doing so, EPA inadvertently incorporated by reference permit conditions relating to the installation of a beet cleaning system, a transformer evaporator, and mill heaters in the State of Idaho Air Pollution Operating Permit for the Amalgamated Sugar Company LLC, Permit No. 027–00010, issued September 30, 2002.

Idaho subsequently provided information to EPA indicating that the installation of the beet cleaning system,

transformer evaporator, and mill heaters are preliminary steps required for installation and operation of a steam dryer system and, based on its analysis, should have no impact on actual or potential PM₁₀ emissions rates. Based on the State's information, EPA has determined that the permit conditions addressing the installations were unnecessarily incorporated by reference for the Ada County/Boise, Idaho PM₁₀ maintenance plan. This action corrects the incorporation by reference of these conditions. Specifically, this action removes permit conditions 13.5, 13.5.2, 13.5.3, 13.6, 13.6.1, and 13.6.2 and provisions 13.5 and 13.6 in Table 13.1 from the list of permit conditions that are incorporated by reference. The incorporation by reference of the deadline for the installation and operation of the steam dryer system, which will result in a reduction of the rate of pollutants emitted by the facility, has not changed.

Section 553 of the Administrative Procedure Act, 5 U.S.C. 553(b)(B), provides that, when an agency for good cause finds that notice and public procedure are impracticable, unnecessary or contrary to the public interest, the agency may issue a rule without providing notice and an opportunity for public comment. EPA has determined that there is good cause for making today's rule final without prior proposal and opportunity for comment because EPA is merely correcting a previous rulemaking action that had been subject to notice and comment procedures. Thus, notice and public procedure are unnecessary. EPA finds that this constitutes good cause under 5 U.S.C. 553(b)(B).

Moreover, since today's action does not create any new regulatory requirements, EPA finds that good cause exists to provide for an immediate effective date pursuant to 5 U.S.C. 553(d)(3).

Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355, May 22, 2001). Because the agency has made a "good cause" finding that this action is not subject to notice-and-comment requirements under the Administrative Procedure Act or any other statute, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility

Act (5 U.S.C. 601 *et seq.*) or to sections 202 and 205 of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104-4). In addition, this action does not significantly or uniquely affect small governments or impose a significant intergovernmental mandate, as described in sections 203 and 204 of UMRA.

This corrective action also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action also is not subject to Executive Order 13045 "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997), because it is not economically significant.

This corrective action does not involve technical standards; thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

The Congressional Review Act (CRA), 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. Section 808 allows the issuing agency to make a rule effective sooner than otherwise provided by the CRA if the agency makes a good cause finding that notice and public procedure is impracticable, unnecessary or contrary to the public interest. This determination must be supported by a brief statement. 5 U.S.C. 808(2). As stated previously, EPA has made such a good cause finding, including the reasons therefor, and established an effective date of November 1, 2004. EPA will submit a report containing this rule and other required information to the U.S. Senate,

the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by January 3, 2005. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements.

Dated: September 27, 2004.

Ronald A. Kreizenbeck,
Acting Regional Administrator, Region 10.

■ Chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

■ 1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart N—Idaho

■ 2. Section 52.670 is amended by revising paragraph (c)(38)(i)(A)(12) to read as follows:

§ 52.670 Identification of Plan.

* * * * *

- (a) * * *
- (38) * * *
- (i) * * *
- (A) * * *

(12) State of Idaho Air Pollution Operating Permit for The Amalgamated Sugar Company LLC, Permit No. 027-00010, issued September 30, 2002, the following conditions: 2 (heading only), (2.7, Table 2.2 as it applies to PM₁₀), 2.10, 2.10.1, 2.10.2, 2.11, 2.11.1, 2.11.2, 2.11.3, 2.11.4, 2.11.5, 2.12, 2.12.1, 2.12.2, 2.12.3, 2.13, 2.13.1, 2.13.2, 2.13.3, 2.14, 2.14.1, 2.14.2, 2.16, 3 (heading only), (3.3, Table 3.2 as it applies to PM₁₀), 3.5, 3.7, 3.8, 3.8.1, 3.8.2, 3.8.3, 3.8.4, 3.8.5, 3.8.6, 3.8.7, 3.8.8, 3.9, 4 (heading only), (4.3, Table 4.1 as it applies to PM₁₀), 4.5, 4.6, 4.7,

5 (heading only), (5.3, Table 5.3 as it applies to PM₁₀), 5.5, 5.9, 5.9.1, 5.9.2, 5.9.3, 5.9.4, 5.9.5, 5.9.6, 5.9.7, 5.9.8, 5.9.9, 5.10, 5.11, 6 (heading only), 6.3, Table 6.1, 6.5, 6.6, 6.7, 6.7.1, 6.7.2, 6.8, 7 (heading only), (7.3, Table 7.1 as it applies to PM₁₀), 7.5, 7.7, 7.7.1, 7.7.2, 7.8, 8 (heading only), 8.3, Table 8.1, 8.5, 8.7, 8.7.1, 8.7.2, 8.8, 9 (heading only), 9.3, Table 9.1, 9.5, 9.7, 9.7.1, 9.7.2, 9.8, 10 (heading only), 10.3, Table 10.1, 10.6, 10.8, 10.8.1, 10.8.2, 10.9, 11 (heading only), 11.3, Table 11.2, 11.6, 11.8, 11.8.1, 11.8.2, 11.9, 12 (heading only), 12.3, Table 12.1, 12.5, 12.7, 12.7.1, 12.7.2, 12.8, 13 (heading only), 13.1 (except as it applies to conditions 13.3, 13.3.1, 13.3.2, 13.5, 13.5.1, 13.5.2, 13.5.3, 13.6, 13.6.1, 13.6.2 and 13.9), Table 13.1 (except conditions 13.3, 13.5 and 13.6), (13.2, Table 13.2 as it applies to PM₁₀), 13.2.1, 13.4, 13.4.1, 13.4.2, 13.4.3, 13.7, 13.7.1, 13.7.2, 13.8, 13.8.1, 13.8.2, 13.8.3, 13.10, and 13.11.

[FR Doc. 04-24333 Filed 10-29-04; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF DEFENSE

48 CFR Parts 201 and 202

[DFARS Case 2003-D090]

Defense Federal Acquisition Regulation Supplement; Procedures, Guidance, and Information

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: DoD has issued a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to define a companion resource to the DFARS that contains mandatory and non-mandatory internal DoD procedures, non-mandatory guidance, and supplemental information. This new resource, entitled Procedures, Guidance, and Information, is a result of a transformation initiative undertaken by DoD to dramatically change the purpose and content of the DFARS.

DATES: Effective November 1, 2004.

FOR FURTHER INFORMATION CONTACT: Ms. Michele Peterson, Defense Acquisition Regulations Council, OUSD(AT&L)DPAP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301-3062. Telephone (703) 602-0311; facsimile (703) 602-0350. Please cite DFARS Case 2003-D090.

SUPPLEMENTARY INFORMATION:

A. Background

DFARS Transformation is a major DoD initiative to dramatically change

the purpose and content of the DFARS. The objective is to improve the efficiency and effectiveness of the acquisition process, while allowing the acquisition workforce the flexibility to innovate. The transformed DFARS will contain only requirements of law, DoD-wide policies, delegations of FAR authorities, deviations from FAR requirements, and policies/procedures that have a significant effect beyond the internal operating procedures of DoD or a significant cost or administrative impact on contractors or offerors. Additional information on the DFARS Transformation initiative is available at <http://www.acq.osd.mil/dpap/dfars/transf.htm>.

This final rule is a result of the DFARS Transformation initiative. The rule establishes the framework for a new DFARS companion resource, Procedures, Guidance, and Information (PGI), which contains mandatory and non-mandatory internal DoD procedures, non-mandatory guidance, and supplemental information. PGI will not be published in the Code of Federal Regulations, but will be available electronically at <http://www.acq.osd.mil/dpap/dars/index.htm>. Use of PGI will enable DoD to more rapidly convey internal administrative and procedural information to the acquisition workforce. The HTML version of the DFARS available at <http://www.acq.osd.mil/dpap/dfars/index.htm> will contain computerized links to the corresponding PGI sections.

DoD published a proposed rule at 69 FR 8145 on February 23, 2004. DoD received one comment on the proposed rule. The comment recommended additional policy and procedures relating to interagency acquisitions under the Economy Act (31 U.S.C. 1535). The comment is considered to be outside the scope of this case, but will be considered with other changes being developed for DFARS Part 217, which addresses the Economy Act. DoD has adopted the proposed rule as a final rule without change.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

DoD certifies that this final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the new DFARS companion resource will contain only procedures, guidance, and information that have no significant effect beyond the internal operating procedures of DoD and no

significant cost or administrative impact on contractors or offerors.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the rule does not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Parts 201 and 202

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

■ Therefore, 48 CFR parts 201 and 202 are amended as follows:

■ 1. The authority citation for 48 CFR parts 201 and 202 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 201—FEDERAL ACQUISITION REGULATIONS SYSTEM

■ 2. Section 201.105-3 is revised to read as follows:

201.105-3 Copies.

The DFARS and the DFARS Procedures, Guidance, and Information (PGI) are available electronically via the World Wide Web at <http://www.acq.osd.mil/dpap/dars/index.htm>.

■ 3. Section 201.201-70 is added to read as follows:

201.201-70 Maintenance of Procedures, Guidance, and Information.

The DAR Council is also responsible for maintenance of the DFARS Procedures, Guidance, and Information (PGI).

■ 4. Section 201.301 is amended by revising paragraph (a) to read as follows:

201.301 Policy.

(a)(1) DoD implementation and supplementation of the FAR is issued in the Defense Federal Acquisition Regulation Supplement (DFARS) under authorization and subject to the authority, direction, and control of the Secretary of Defense. The DFARS contains—

- (i) Requirements of law;
- (ii) DoD-wide policies;
- (iii) Delegations of FAR authorities;
- (iv) Deviations from FAR requirements; and
- (v) Policies/procedures that have a significant effect beyond the internal operating procedures of DoD or a significant cost or administrative impact on contractors or offerors.

(2) Relevant procedures, guidance, and information that do not meet the criteria in paragraph (a)(1) of this section are issued in the DFARS Procedures, Guidance, and Information (PGI).

* * * * *

PART 202—DEFINITIONS OF WORDS AND TERMS

■ 5. Section 202.101 is amended by adding, in alphabetical order, a definition of “Procedures, Guidance, and Information (PGI)” to read as follows:

202.101 Definitions.

* * * * *

Procedures, Guidance, and Information (PGI) means a companion resource to the DFARS that—

(1) Contains mandatory internal DoD procedures. The DFARS will direct compliance with mandatory procedures using imperative language such as “Follow the procedures at * * *” or similar directive language;

(2) Contains non-mandatory internal DoD procedures and guidance and supplemental information to be used at the discretion of the contracting officer. The DFARS will point to non-mandatory procedures, guidance, and information using permissive language such as “The contracting officer may use * * *” or “Additional information is available at * * *” or other similar language;

(3) Is numbered similarly to the DFARS, except that each PGI numerical designation is preceded by the letters “PGI”; and

(4) Is available electronically at <http://www.acq.osd.mil/dpap/dars/index.htm>.

* * * * *

[FR Doc. 04-24281 Filed 10-29-04; 8:45 am]

BILLING CODE 5001-08-P

DEPARTMENT OF DEFENSE

48 CFR Parts 204 and 208

Defense Federal Acquisition Regulation Supplement; Technical Amendments

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: DoD is making technical amendments to the Defense Federal Acquisition Regulation Supplement to update Internet addresses and reference information.

DATES: Effective November 1, 2004.

FOR FURTHER INFORMATION CONTACT: Ms. Michele Peterson, Defense Acquisition

Regulations Council, OUSD(AT&L)DPAP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301-3062. Telephone (703) 602-0311; facsimile (703) 602-0350.

List of Subjects in 48 CFR Parts 204 and 208

Government procurement.

Michele P. Peterson,
Executive Editor, Defense Acquisition Regulations Council.

■ Therefore, 48 CFR parts 204 and 208 are amended as follows:

■ 1. The authority citation for 48 CFR parts 204 and 208 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 204—ADMINISTRATIVE MATTERS

■ 2. Section 204.7003 is amended in paragraph (a)(1) by revising the last sentence to read as follows:

204.7003 Basic PII number.

(a) * * *

(1) * * * DoDAACs can be found at <https://day2k1.daas.dla.mil/daasing/>.

* * * * *

■ 3. Section 204.7005 is amended by revising paragraph (d) to read as follows:

204.7005 Assignment of order codes.

* * * * *

(d) Order code assignments can be found at <http://www.acq.osd.mil/dpap/dfars/ordercode.htm>.

PART 208—REQUIRED SOURCES OF SUPPLIES AND SERVICES

■ 4. Section 208.404 is amended by adding paragraph (S-70) to read as follows:

208.404 Using schedules.

* * * * *

(S-70) See related information at PGI 208.404.

[FR Doc. 04-24285 Filed 10-29-04; 8:45 am]

BILLING CODE 5001-08-P

DEPARTMENT OF DEFENSE

48 CFR Parts 205, 226, 235, and 252

[DFARS Case 2003-D016]

Defense Federal Acquisition Regulation Supplement; Publicizing Contract Actions

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: DoD has issued a final rule amending the Defense Federal

Acquisition Regulation Supplement (DFARS) to update text pertaining to publicizing contract actions. This rule is a result of a transformation initiative undertaken by DoD to dramatically change the purpose and content of the DFARS.

DATES: Effective November 1, 2004.

FOR FURTHER INFORMATION CONTACT: Ms. Robin Schulze, Defense Acquisition Regulations Council, OUSD(AT&L)DPAP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301-3062. Telephone (703) 602-0326; facsimile (703) 602-0350. Please cite DFARS Case 2003-D016.

SUPPLEMENTARY INFORMATION:

A. Background

DFARS Transformation is a major DoD initiative to dramatically change the purpose and content of the DFARS. The objective is to improve the efficiency and effectiveness of the acquisition process, while allowing the acquisition workforce the flexibility to innovate. The transformed DFARS will contain only requirements of law, DoD-wide policies, delegations of FAR authorities, deviations from FAR requirements, and policies/procedures that have a significant effect beyond the internal operating procedures of DoD or a significant cost or administrative impact on contractors or offerors. Additional information on the DFARS Transformation initiative is available at <http://www.acq.osd.mil/dp/dars/transf.htm>.

This final rule is a result of the DFARS Transformation initiative. The DFARS changes include—

- Deletion of text at DFARS 205.207(d)(ii) containing a notice to be included in acquisitions being considered for historically black college and university and minority institution (HBCU/MI) set-aside. This notice is being relocated to the new DFARS companion resource, Procedures, Guidance, and Information (PGI), with retention of a policy statement in DFARS 205.207 regarding use of the notice, and addition of a policy statement at DFARS 226.7003-2(c) regarding the requirement for an interested HBCU/MI to provide evidence of its capability and eligibility (which is also addressed in the notice). A final rule addressing the purpose and structure of PGI is published elsewhere in this issue of the **Federal Register** under DFARS Case 2003-D090, Procedures, Guidance, and Information. PGI is available at <http://www.acq.osd.mil/dpap/dars/index.htm>.
- Redesignation of DFARS 205.207(d)(iii) as 205.207(d)(ii), and

deletion of text that duplicates policy found in 235.016. A reference to 236.016 has been retained in newly designated 205.207(d)(ii).

- Deletion of unnecessary text at DFARS 205.207(e), 205.470–1, and 205.502. The clause prescription at 205.470–2 is redesignated as 205.470 and amended to include a statutory reference.

DoD published a proposed rule at 69 FR 8148 on February 23, 2004. DoD received no comments on the proposed rule. Therefore, DoD has adopted the proposed rule as a final rule without change.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

DoD certifies that this final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the rule updates and relocates DFARS text, but makes no significant change to contracting policy.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the rule does not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Parts 205, 226, 235 and 252

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

■ Therefore, 48 CFR parts 205, 226, 235, and 252 are amended as follows:

■ 1. The authority citation for 48 CFR parts 205, 226, 235, and 252 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 205—PUBLICIZING CONTRACT ACTIONS

■ 2. Section 205.207 is revised to read as follows:

205.207 Preparation and transmittal of synopses.

(d)(i) For acquisitions being considered for historically black college and university and minority institution set-asides under 226.7003—

(A) Cite the appropriate Numbered Note; and

(B) Include the notice at PGI 205.207(d)(i).

(ii) For broad agency announcement notices, see 235.016.

■ 3. Section 205.470 is revised to read as follows:

205.470 Contract clause.

Use the clause at 252.205–7000, Provision of Information to Cooperative Agreement Holders, in solicitations and contracts expected to exceed \$500,000. This clause implements 10 U.S.C. 2416.

205.470–1 and 205.470–2 [Removed]

■ 4. Sections 205.470–1 and 205.470–2 are removed.

■ 5. Section 205.502 is revised to read as follows:

205.502 Authority.

(a) *Newspapers.* Heads of contracting activities are delegated authority to approve the publication of paid advertisements in newspapers.

PART 226—OTHER SOCIOECONOMIC PROGRAMS

■ 6. Section 226.7003–2 is amended by revising paragraph (c) to read as follows:

226.7003–2 Set-aside procedures.

* * * * *

(c) Follow the special synopsis instructions in 205.207(d). Interested HBCU/MIs must provide evidence of their capability to perform the contract, and a positive statement of their eligibility, within 15 days of publication of the synopsis in order for the acquisition to proceed as an HCBU/MI set-aside.

* * * * *

PART 235—RESEARCH AND DEVELOPMENT CONTRACTING

235.016 [Amended]

■ 7. Section 235.016 is amended in paragraph (2)(ii) by revising the parenthetical to read “(see 205.207(d))”.

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

252.205–7000 [Amended]

■ 8. Section 252.205–7000 is amended in the introductory text by removing “205.470–2” and adding in its place “205.470”.

[FR Doc. 04–24287 Filed 10–29–04; 8:45 am]

BILLING CODE 5001–08–P

DEPARTMENT OF DEFENSE

48 CFR Parts 208, 210, 219, and 252

[DFARS Case 2004–D005]

Defense Federal Acquisition Regulation Supplement; Federal Prison Industries—Deletion of Duplicative Text

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: DoD has issued a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to delete text on purchase of products from Federal Prison Industries (FPI). The DFARS text is no longer necessary as a result of Governmentwide policy on this subject that was added to the Federal Acquisition Regulation (FAR) on March 26, 2004.

DATES: Effective November 1, 2004.

FOR FURTHER INFORMATION CONTACT: Ms. Michele Peterson, Defense Acquisition Regulations Council, OUSD(AT&L)DPAP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062. Telephone (703) 602–0311; facsimile (703) 602–0350. Please cite DFARS Case 2004–D005.

SUPPLEMENTARY INFORMATION:

A. Background

DoD published DFARS policy at 67 FR 20687 on April 26, 2002, and 68 FR 64559 on November 14, 2003, to implement 10 U.S.C. 2410n, which contains requirements for (1) conducting market research before purchasing an FPI product; (2) use of competitive procedures if an FPI product is found to be noncomparable to products available from the private sector; (3) limiting an inmate worker's access to information; and (4) prohibiting mandatory use of FPI as a subcontractor.

Section 637 of Division F of the Consolidated Appropriations Act, 2004 (Pub. L. 108–199), required the issuance of Governmentwide regulations that impose the procedures, standards, and limitations of 10 U.S.C. 2410n. Section 637 was implemented through publication of FAR policy in Federal Acquisition Circular 2001–21, at 69 FR 16148, on March 26, 2004. Since the FAR policy implementing 10 U.S.C. 2410n makes the DFARS policy unnecessary, this final rule removes the DFARS policy that was published at 67 FR 20687 on April 26, 2002, and 68 FR 64559 on November 14, 2003.

This rule was not subject to Office of Management and Budget review under

Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

This rule will not have a significant cost or administrative impact on contractors or offerors, or a significant effect beyond the internal operating procedures of DoD. Therefore, publication for public comment is not required. However, DoD will consider comments from small entities concerning the affected DFARS subparts in accordance with 5 U.S.C. 610. Such comments should cite DFARS Case 2004–D005.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the rule does not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Parts 208, 210, 219, and 252

Government procurement.

Michele P. Peterson,
Executive Editor, Defense Acquisition Regulations Council.

- Therefore, 48 CFR parts 208, 210, 219, and 252 are amended as follows:
- 1. The authority citation for 48 CFR parts 208, 210, 219, and 252 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 208—REQUIRED SOURCES OF SUPPLIES AND SERVICES

Subpart 208.6—[Removed]

- 2. Subpart 208.6 is removed.

PART 210—[REMOVED]

- 3. Part 210 is removed.

PART 219—SMALL BUSINESS PROGRAMS

219.502–70 [Removed]

- 4. Section 219.502–70 is removed.

219.508 [Removed]

- 5. Section 219.508 is removed.

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

252.219–7005 and 252.219–7006 [Removed and Reserved]

- 6. Sections 252.219–7005 and 252.219–7006 are removed and reserved.

[FR Doc. 04–24283 Filed 10–29–04; 8:45 am]

BILLING CODE 5001–08–P

DEPARTMENT OF DEFENSE

48 CFR Part 212

[DFARS Case 2003–D106]

Defense Federal Acquisition Regulation Supplement; Transition of Weapons-Related Prototype Projects to Follow-On Contracts

AGENCY: Department of Defense (DoD).

ACTION: Interim rule with request for comments.

SUMMARY: DoD has issued an interim rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to implement Section 847 of the National Defense Authorization Act for Fiscal Year 2004. Section 847 authorizes DoD to carry out a pilot program that permits the use of streamlined contracting procedures for the production of items or processes begun as prototype projects under other transaction agreements.

DATES: *Effective date:* November 1, 2004.

Comment date: Comments on the interim rule should be submitted to the address shown below on or before January 3, 2005, to be considered in the formation of the final rule.

ADDRESSES: You may submit comments, identified by DFARS Case 2003–D106, using any of the following methods:

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.
- Defense Acquisition Regulations Web Site: <http://emissary.acq.osd.mil/dar/dfars.nsf/pubcomm>. Follow the instructions for submitting comments.
- E-mail: dfars@osd.mil. Include DFARS Case 2003–D106 in the subject line of the message.
- Fax: (703) 602–0350.
- Mail: Defense Acquisition Regulations Council, Attn: Ms. Amy Williams, OUSD(AT&L)DPAP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062.

• Hand Delivery/Courier: Defense Acquisition Regulations Council, Crystal Square 4, Suite 200A, 241 18th Street, Arlington, VA 22202–3402.

All comments received will be posted to <http://emissary.acq.osd.mil/dar/dfars.nsf>.

FOR FURTHER INFORMATION CONTACT: Ms. Amy Williams, (703) 602–0328.

SUPPLEMENTARY INFORMATION:

A. Background

This interim rule adds a new DFARS subpart to implement Section 847 of the National Defense Authorization Act for Fiscal Year 2004 (Pub. L. 108–136).

Section 847 authorizes DoD to carry out a pilot program for follow-on contracting for the production of items or processes begun as prototype projects under other transaction agreements. Contracts and subcontracts awarded under the program may be treated as those for the acquisition of commercial items; and items or processes acquired under the program may be treated as developed in part with Federal funds and in part at private expense for purposes of negotiating rights in technical data.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

DoD does not expect this rule to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the rule applies only to production contracts for DoD weapons and weapon systems. Such contracts typically are not awarded to small business concerns. Therefore, DoD has not performed an initial regulatory flexibility analysis. DoD invites comments from small businesses and other interested parties. DoD also will consider comments from small entities concerning the affected DFARS subparts in accordance with 5 U.S.C. 610. Such comments should be submitted separately and should cite DFARS Case 2003–D106.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the rule does not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

D. Determination To Issue an Interim Rule

A determination has been made under the authority of the Secretary of Defense that urgent and compelling reasons exist to publish an interim rule prior to affording the public an opportunity to comment. This interim rule implements Section 847 of the National Defense Authorization Act for Fiscal Year 2004 (Pub. L. 108–136). Section 847 authorizes DoD to carry out a pilot program that permits the use of streamlined contracting procedures for the production of items or processes begun as prototype projects under other transaction agreements. The program is intended to ease the transition of nontraditional defense contractors from prototype transactions to standard

contracts. Section 847 became effective upon enactment on November 24, 2003, and expires on September 30, 2008. Comments received in response to this interim rule will be considered in the formation of the final rule.

List of Subjects in 48 CFR Part 212

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

■ Therefore, 48 CFR part 212 is amended as follows:

■ 1. The authority citation for 48 CFR part 212 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 212—ACQUISITION OF COMMERCIAL ITEMS

■ 2. Section 212.212 is added to read as follows:

212.212 Computer software.

The DoD policy for acquiring commercial computer software is at 227.7202.

■ 3. Subpart 212.70 is added to read as follows:

Subpart 212.70—Pilot Program for Transition to Follow-On Contracting After Use of Other Transaction Authority

Sec.

212.7000 Scope.

212.7001 Definitions.

212.7002 Pilot program.

212.7002-1 Contracts under the program.

212.7002-2 Subcontracts under the program.

212.7003 Rights in technical data and computer software.

212.7000 Scope.

This subpart establishes the pilot program authorized by Section 847 of the National Defense Authorization Act for Fiscal Year 2004 (Pub. L. 108-136).

212.7001 Definitions.

As used in this subpart—

Nontraditional defense contractor means a business unit that—

(1) Has entered into an other transaction agreement with DoD; and
(2) Has not, for a period of at least 1 year prior to the date of the other transaction agreement, entered into or performed on—

(i) Any contract that is subject to full coverage under the cost accounting standards described in FAR Part 30; or

(ii) Any other contract exceeding \$500,000 to carry out prototype projects or to perform basic, applied, or advanced research projects for a Federal agency that is subject to the FAR.

Other transaction means a transaction that—

(1) Is other than a contract, grant, or cooperative agreement;

(2) Is not subject to the FAR or its supplements; and

(3) Is entered into in accordance with 32 CFR part 3.

212.7002 Pilot program.

212.7002-1 Contracts under the program.

(a) The contracting officer may use FAR part 12 procedures to award a contract for an item or process that does not meet the definition of “commercial item,” if the contract—

(1) Is awarded to a nontraditional defense contractor;

(2) Is a follow-on contract for the production of an item or process begun as a prototype project under an other transaction agreement;

(3) Does not exceed \$50,000,000;

(4) Is awarded on or before September 30, 2008; and

(5) Is either—

(i) A firm-fixed-price contract; or

(ii) A fixed-price contract with economic price adjustment.

(b) See 212.7003 for special procedures pertaining to rights in technical data and computer software.

212.7002-2 Subcontracts under the program.

Except as provided in 212.7003, a subcontract for an item or process that does not meet the definition of “commercial item” may be treated as a subcontract for a commercial item, if the subcontract—

(a) Is under a contract awarded in accordance with 212.7002-1;

(b) Is awarded to a nontraditional defense contractor; and

(c) Is either—

(1) A firm-fixed-price subcontract; or

(2) A fixed-price subcontract with economic price adjustment.

212.7003 Rights in technical data and computer software.

For purposes of determining rights in technical data under 227.7102 and rights in computer software under 227.7202, items or processes acquired under a contract or subcontract awarded in accordance with 212.7002 may be treated as developed in part with Federal funds and in part at private expense (*i.e.*, mixed funding). When this occurs—

(a) For technical data, use the clauses at 252.227-7013, Rights in Technical Data—Noncommercial Items, and 252.227-7037, Validation of Restrictive Markings on Technical Data;

(b) For computer software, use the clauses at 252.227-7014, Rights in

Noncommercial Computer Software and Noncommercial Computer Software Documentation, and 252.227-7019, Validation of Asserted Restrictions—Computer Software;

(c) Require the contractor to include the clauses prescribed by paragraphs (a) and (b) of this section in subcontracts awarded in accordance with 212.7002-2; and

(d) Negotiate for the appropriate technical data and computer software deliverables and special license rights in those deliverables, in view of the parties' relative contributions to the development of the items or processes.

[FR Doc. 04-24284 Filed 10-29-04; 8:45 am]

BILLING CODE 5001-08-P

DEPARTMENT OF DEFENSE

48 CFR Part 212

[DFARS Case 2003-D018]

Defense Federal Acquisition Regulation Supplement; Laws Inapplicable to Commercial Subcontracts

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: DoD has issued a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to remove the Trade Agreements Act and the Buy American Act from the list of laws inapplicable to subcontracts for commercial items. This rule is a result of a transformation initiative undertaken by DoD to dramatically change the purpose and content of the DFARS.

DATES: Effective November 1, 2004.

FOR FURTHER INFORMATION CONTACT: Ms. Amy Williams, Defense Acquisition Regulations Council, OUSD (AT&L) DPAP (DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301-3062. Telephone (703) 602-0328; facsimile (703) 602-0350. Please cite DFARS Case 2003-D018.

SUPPLEMENTARY INFORMATION:

A. Background

DFARS Transformation is a major DoD initiative to dramatically change the purpose and content of the DFARS. The objective is to improve the efficiency and effectiveness of the acquisition process, while allowing the acquisition workforce the flexibility to innovate. The transformed DFARS will contain only requirements of law, DoD-wide policies, delegations of FAR authorities, deviations from FAR requirements, and policies/procedures

that have a significant effect beyond the internal operating procedures of DoD or a significant cost or administrative impact on contractors or offerors. Additional information on the DFARS Transformation initiative is available at <http://www.acq.osd.mil/dpap/dfars/transf.htm>.

This final rule is a result of the DFARS Transformation initiative. The rule amends DFARS 212.504 to remove the Trade Agreements Act (19 U.S.C. 2512) and the Buy American Act (41 U.S.C. 10) from the list of laws inapplicable to subcontracts for the acquisition of commercial items. Inclusion of these laws on the list is unnecessary, because the Government does not apply the restrictions of the Buy American Act or the Trade Agreements Act at the subcontract level. The prime contractor is responsible for providing an end product that meets the requirements of the Acts.

DoD published a proposed rule at 69 FR 8151 on February 23, 2004. DoD received one comment in response to the proposed rule, and that comment supported the rule. Therefore, DoD has adopted the proposed rule as a final rule, with the addition of a correction to a cross-reference in 212.504(a).

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

DoD certifies that this final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the rule is a clarification of the Government's existing policy of not applying the Buy American Act or the Trade Agreements Act at the subcontract level.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the rule does not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Part 212

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

■ Therefore, 48 CFR part 212 is amended as follows:

■ 1. The authority citation for 48 CFR part 212 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 212—ACQUISITION OF COMMERCIAL ITEMS

212.504 [Amended]

■ 2. Section 212.504 is amended as follows:

■ a. By removing paragraphs (a)(xxiii) and (a)(xxiv);

■ b. By redesignating paragraph (a)(xxv) as paragraph (a)(xxiii); and

■ c. In newly designated paragraph (a)(xxiii), in the second sentence, by removing “225.7019–2(b)” and adding in its place “225.7009–2(b)”.

[FR Doc. 04–24282 Filed 10–29–04; 8:45 am]

BILLING CODE 5001–08–P

DEPARTMENT OF DEFENSE

48 CFR Part 231

[DFARS Case 2003–D036]

Defense Federal Acquisition Regulation Supplement; Cost Principles and Procedures

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: DoD has issued a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to update text pertaining to contract cost principles. This rule is a result of a transformation initiative undertaken by DoD to dramatically change the purpose and content of the DFARS.

DATES: Effective November 1, 2004.

FOR FURTHER INFORMATION CONTACT: Mr. Thaddeus Godlewski, Defense Acquisition Regulations Council, OUSD(AT&L)DPAP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062. Telephone (703) 602–2022; facsimile (703) 602–0350. Please cite DFARS Case 2003–D036.

SUPPLEMENTARY INFORMATION:

A. Background

DFARS Transformation is a major DoD initiative to dramatically change the purpose and content of the DFARS. The objective is to improve the efficiency and effectiveness of the acquisition process, while allowing the acquisition workforce the flexibility to innovate. The transformed DFARS will contain only requirements of law, DoD-wide policies, delegations of FAR authorities, deviations from FAR requirements, and policies/procedures that have a significant effect beyond the internal operating procedures of DoD or a significant cost or administrative impact on contractors or offerors. Additional information on the DFARS

Transformation initiative is available at <http://www.acq.osd.mil/dpap/dfars/transf.htm>.

This final rule is a result of the DFARS Transformation initiative. The DFARS changes—

- Delete the text at DFARS 231.205–10, Cost of money, because it is redundant of the text in DFARS Subpart 230.70, Facilities Capital Employed for Facilities in Use.

- Clarify the text at DFARS 231.205–22, Legislative lobbying costs, to specify that these costs are statutorily unallowable.

- Revise the text at DFARS 231.205–70, External restructuring costs, to—

1. Eliminate unnecessary references to fiscal years 1995, 1997, and 1998 legislation.

2. Delete text at 231.205–70(c)(1)(iv)(A) and (B) regarding business combinations that occurred on or before November 18, 1997. This text is unnecessary, because external restructurings normally must be initiated within 3 years of a business combination.

3. Delete text at 231.205–70(d), Procedures and ACO responsibilities. This text has been relocated to the new DFARS companion resource, Procedures, Guidance, and Information (PGI). A final rule addressing the purpose and structure of PGI is published elsewhere in this issue of the **Federal Register** under DFARS Case 2003–D090, Procedures, Guidance, and Information. PGI is available at <http://www.acq.osd.mil/dpap/dars/index.htm>.

DoD published a proposed rule at 69 FR 8154 on February 23, 2004. DoD received no comments on the proposed rule. Therefore, DoD has adopted the proposed rule as a final rule without change.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

DoD certifies that this final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the rule clarifies existing DFARS text, and deletes DFARS text that is redundant, outdated, or procedural, but makes no significant change to contracting policy.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the rule does not impose any information collection requirements that require the approval

of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Part 231

Government procurement.

Michele P. Peterson,
Executive Editor, Defense Acquisition Regulations Council.

■ Therefore, 48 CFR part 231 is amended as follows:

■ 1. The authority citation for 48 CFR part 231 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR chapter 1.

PART 231—CONTRACT COST PRINCIPLES AND PROCEDURES

231.205–10 [Removed]

■ 2. Section 231.205–10 is removed.

■ 3. Section 231.205–22 is revised to read as follows:

231.205–22 Legislative lobbying costs.

(a) Costs associated with preparing any material, report, list, or analysis on the actual or projected economic or employment impact in a particular State or congressional district of an acquisition program for which all research, development, testing, and evaluation has not been completed also are unallowable (10 U.S.C. 2249).

■ 4. Section 231.205–70 is amended by revising paragraphs (a), (c), and (d) to read as follows:

231.205–70 External restructuring costs.

(a) *Scope.* This subsection—

(1) Prescribes policies and procedures for allowing contractor external restructuring costs when savings would result for DoD; and

(2) Implements 10 U.S.C. 2325.

(c) *Limitations on cost allowability.*

(1) Restructuring costs associated with external restructuring activities shall not be allowed unless—

(i) Such costs are allowable in accordance with FAR Part 31 and DFARS Part 231;

(ii) An audit of projected restructuring costs and restructuring savings is performed;

(iii) The cognizant administrative contracting officer (ACO) reviews the audit report and the projected costs and projected savings, and negotiates an advance agreement in accordance with paragraph (d) of this subsection; and

(iv) For business combinations that occur after November 18, 1997, the Under Secretary of Defense (Acquisition, Technology, and Logistics) or the Principal Deputy determines in writing that the audited projected

savings for DoD resulting from the restructuring will exceed either—

(A) The costs allowed by a factor of at least two to one; or

(B) The cost allowed, and the business combination will result in the preservation of a critical capability that might otherwise be lost to DoD.

(2) The audit, review, certification, and determination required by paragraph (c)(1) of this subsection shall not apply to any business combination for which payments for restructuring costs were made before August 15, 1994, or for which the cognizant ACO executed an advance agreement establishing cost ceilings based on audit/negotiation of detailed cost proposals for individual restructuring projects before August 15, 1994.

(d) *Procedures and ACO responsibilities.* As soon as it is known that the contractor will incur restructuring costs for external restructuring activities, the cognizant ACO shall follow the procedures at PGI 231.205–70(d).

* * * * *

[FR Doc. 04–24288 Filed 10–29–04; 8:45 am]

BILLING CODE 5001–08–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 040429134–4135–01; I.D. 102504B]

Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #12—Adjustment of the Commercial Salmon Fishery from Humbug Mountain, Oregon to the Oregon-California Border

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Modification of fishing season; request for comments.

SUMMARY: NMFS announces that the commercial salmon fishery in the area from Humbug Mountain, OR to the Oregon-California Border was modified to be open September 1 through September 3, September 8 through September 10, and September 15 through September 30, or until the attainment of the 3,000 chinook quota, with a modified possession and landing limit of 50 chinook per day per vessel. This action was necessary to conform to

the 2004 management goals. The intended effect of this action is to allow the fishery to operate within the seasons and quotas as specified in the 2004 annual management measures.

DATES: Adjustment in the area from Humbug Mountain, OR to the Oregon-California Border effective 0001 hours local time (l.t.) September 1, 2004, until the chinook quota is taken, or 2359 hours l.t., September 30, 2004; after which the fishery will remain closed until opened through an additional inseason action for the west coast salmon fisheries, which will be published in the **Federal Register**, or until the effective date of the next scheduled open period announced in the 2005 annual management measures. Comments will be accepted through November 16, 2004.

ADDRESSES: Comments on this action must be mailed to D. Robert Lohn, Regional Administrator, Northwest Region, NMFS, NOAA, 7600 Sand Point Way N.E., Bldg. 1, Seattle, WA 98115–0070; or faxed to 206–526–6376; or Rod McLinnis, Regional Administrator, Southwest Region, NMFS, NOAA, 501 W. Ocean Blvd., Suite 4200, Long Beach, CA 90802–4132; or faxed to 562–980–4018. Comments can also be submitted via e-mail at the 2004salmonIA12.nwr@noaa.gov address, or through the internet at the Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments and include the docket number in the subject line of the message. Information relevant to this document is available for public review during business hours at the Office of the Regional Administrator, Northwest Region, NMFS.

FOR FURTHER INFORMATION CONTACT: Christopher Wright, 206–526–6140.

SUPPLEMENTARY INFORMATION: The Regional Administrator modified the season for the commercial salmon fishery in the area from Humbug Mountain, OR to the Oregon-California Border to be open September 1 through September 3, September 8 through September 10, and September 15 through September 30, or until the attainment of the 3,000 chinook quota, with a modified possession and landing limit of 50 chinook per day per vessel. On August 19, 2004, the Regional Administrator determined that the available catch and effort data indicated that the quota of 3,000 chinook may be achieved quickly, and that provisions to slow the catch were needed to avoid exceeding the quota.

All other restrictions remained in effect as announced for 2004 ocean

salmon fisheries and previous inseason actions. This action was necessary to conform to the 2004 management goals. Modification of quotas and/or fishing seasons is authorized by regulations at 50 CFR 660.409(b)(1)(i). Modification of the species that may be caught and landed during specific seasons and the establishment or modification of limited retention regulations are authorized by regulations at 50 CFR 660.409(b)(1)(ii).

In the 2004 annual management measures for ocean salmon fisheries (69 FR 25026, May 5, 2004), NMFS announced the commercial fishery for all salmon except coho in the area from Humbug Mountain, OR to the Oregon-California Border would open March 15 through May 31; June 1 through the earlier of June 30 or a 2,600–chinook quota; July 1 through the earlier of July 31 or a 1,600–chinook quota; August 1 through the earlier of August 29 or a 2,500–chinook quota; and September 1 through the earlier of September 30 or a 3,000–chinook quota.

The fishery in the area from Humbug Mountain OR to the Oregon-California Border was modified by Inseason Action #4 to close at midnight on Saturday, June 19, 2004 (69 FR 40817, July 7, 2004) because the available catch and effort data indicated that the quota of 2,600 chinook salmon had been achieved.

The fishery in the area from Humbug Mountain, OR to the Oregon-California Border was modified by Inseason Action #8 to close at midnight on Monday, July 19, 2004 (69 FR 52449, August 26, 2004), because the available catch and effort data indicated that the quota of 1,600 chinook salmon had been achieved.

The fishery in the area from Humbug Mountain, OR to the Oregon-California Border was also modified by Inseason Action #9 to close at midnight on Wednesday, August 4, 2004 (69 FR 53362, September 1, 2004), because the available catch and effort data indicated that the quota of 2,500 chinook salmon had been achieved.

On August 19, 2004, the Regional Administrator consulted with representatives of the Pacific Fishery Management Council and Oregon Department of Fish and Wildlife by conference call. Information related to catch to date, the chinook catch rate, and effort data indicated that it was likely that the chinook quota could be reached early. As a result, the State of Oregon recommended, and the Regional Administrator concurred, that the area from Humbug Mountain, OR to the Oregon-California Border be modified to open September 1 through September 3, September 8 through September 10, and

September 15 through September 30, or until the attainment of the 3,000–chinook quota, with a modified possession and landing limit of 50 chinook per day per vessel. All other restrictions that apply to this fishery remained in effect as announced in the 2004 annual management measures.

The Regional Administrator determined that the best available information indicated that the catch and effort data, and projections, supported the above inseason action recommended by the state. The states manage the fisheries in state waters adjacent to the areas of the U.S. exclusive economic zone in accordance with this Federal action. As provided by the inseason notice procedures of 50 CFR 660.411, actual notice to fishers of the above described action was given prior to the date this action was effective by telephone hotline number 206–526–6667 and 800–662–9825, and by U.S. Coast Guard Notice to Mariners broadcasts on Channel 16 VHF-FM and 2182 kHz.

This action does not apply to other fisheries that may be operating in other areas.

Classification

The Assistant Administrator for Fisheries, NOAA (AA), finds that good cause exists for this notification to be issued without affording prior notice and opportunity for public comment under 5 U.S.C. 553(b)(B) because such notification would be impracticable. As previously noted, actual notice of this action was provided to fishers through telephone hotline and radio notification. This action complies with the requirements of the annual management measures for ocean salmon fisheries (69 FR 25026, May 5, 2004), the West Coast Salmon Plan, and regulations implementing the West Coast Salmon Plan (50 CFR 660.409 and 660.411). Prior notice and opportunity for public comment was impracticable because NMFS and the state agency have insufficient time to provide for prior notice and the opportunity for public comment between the time the fishery catch and effort data are collected to determine the extent of the fisheries, and the time the fishery modifications must be implemented to avoid exceeding the quota. Because the rate of chinook harvest was high in this fishery area in all of its previous openings, failure to slow the catch rate in the fishery would increase the risk of exceeding the quota, which could result in fewer spawning fish and possibly reduced yield of the stocks in the future. For the same reasons, the AA also finds good cause to waive the 30–day delay in

effectiveness required under U.S.C. 553(d)(3).

This action is authorized by 50 CFR 660.409 and 660.411 and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: October 26, 2004.

Alan D. Risenhoover,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 04–24343 Filed 10–29–04; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 040429134–4135–01; I.D. 102504A]

Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #11—Adjustments of the Recreational and Commercial Fisheries from the U.S.-Canada Border to Cape Falcon, Oregon

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Modification of fishing seasons; request for comments.

SUMMARY: NMFS announces that the commercial salmon fishery in the area from the Queets River to Cape Falcon, OR, was modified effective September 1, 2004, to allow for the retention of all legal sized coho with a landing provision that no vessel may possess, land, or deliver more than 500 coho for each 5–day open period until the earlier of September 15 or a quota of 10,000 coho. Unmarked coho could only be possessed and landed in the area from the Queets River to Cape Falcon. The recreational salmon fishery from the Queets River to Leadbetter Point, WA (Westport Subarea) was modified effective Sunday, August 29, 2004, to allow for the retention of all legal sized coho until the earlier of September 19 or a quota of 10,000 coho. Unmarked coho could only be possessed and landed in the Westport Subarea. In addition, 20,000 coho from the quota of the commercial fishery from the U.S.-Canada Border to Cape Falcon, OR, was traded for 5,000 chinook from the recreational Westport Subarea guideline. These actions were necessary to conform to the 2004 management goals.

DATES: Trade of coho and chinook effective August 19, 2004; adjustment for the area from the Queets River to Cape Falcon, OR, effective 0001 hours local time (l.t.) September 1, 2004, until the chinook quota or coho quota are taken, or 2359 hours l.t., September 15, 2004; and the adjustment for the area from the Queets River to Leadbetter Point, WA, effective 0001 hours l.t. August 29, 2004, until the chinook quota or coho quota are taken, or 2359 hours l.t., September 19, 2004; after which dates each fishery will remain closed until opened through an additional inseason action for the west coast salmon fisheries, which will be published in the **Federal Register**, or until the effective date of the next scheduled open period announced in the 2005 annual management measures. Comments will be accepted through November 16, 2004.

ADDRESSES: Comments on these actions must be mailed to D. Robert Lohn, Regional Administrator, Northwest Region, NMFS, NOAA, 7600 Sand Point Way N.E., Bldg. 1, Seattle, WA 98115-0070; or faxed to 206-526-6376; or Rod McInnis, Regional Administrator, Southwest Region, NMFS, NOAA, 501 W. Ocean Blvd., Suite 4200, Long Beach, CA 90802-4132; or faxed to 562-980-4018. Comments can also be submitted via e-mail at the 2004salmonIA11.nwr@noaa.gov address, or through the internet at the Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments, and include [docket number and/or RIN number] in the subject line of the message. Information relevant to this document is available for public review during business hours at the Office of the Regional Administrator, Northwest Region, NMFS.

FOR FURTHER INFORMATION CONTACT: Christopher Wright, 206-526-6140.

SUPPLEMENTARY INFORMATION: The NMFS Regional Administrator (RA) adjusted the commercial salmon fishery in the area from the Queets River to Cape Falcon, Oregon, effective September 1, 2004, to allow retention of all legal sized coho with a landing provision that no vessel may possess, land, or deliver more than 500 coho for each 5-day open period until the earlier of September 15 or a quota of 10,000 coho. Unmarked coho could only be possessed and landed in the area from the Queets River to Cape Falcon. The recreational salmon fishery from the Queets River to Leadbetter Point, WA (Westport Subarea) was modified effective Sunday, August 29, 2004, to allow retention of all legal sized coho

until the earlier of September 19 or a quota of 10,000 coho. Unmarked coho could only be possessed and landed in the Westport Subarea. In addition, 20,000 coho from the quota of the commercial fishery from the U.S.-Canada Border to Cape Falcon, OR was traded for 5,000 chinook from the recreational Westport Subarea guideline. On August 19 the Regional Administrator had determined the available catch and effort data indicated that restricting the fishery to marked coho was no longer needed because the percentage of marked hatchery coho was less than what was predicted preseason and impacts to natural unmarked coho would be less than anticipated preseason. In addition, the commercial troll fishery was projected to reach its chinook quota, and because there were additional chinook in the recreational Westport Subarea guideline, a trade of coho for chinook could be done while still meeting conservation objectives and without impacting Westport Subarea recreational fishers.

All other restrictions remained in effect as announced for 2004 ocean salmon fisheries and previous inseason actions. These actions were necessary to conform to the 2004 management goals. Modification of quotas and/or fishing seasons is authorized by regulations at 50 CFR 660.409(b)(1)(i). Modification of the species that may be caught and landed during specific seasons and the establishment or modification of limited retention regulations are authorized by regulations at 50 CFR 660.409(b)(1)(ii).

In the 2004 annual management measures for ocean salmon fisheries (69 FR 25026, May 5, 2004), NMFS announced the commercial fishery for all salmon in the area from the U.S.-Canada Border to Cape Falcon, OR would open July 8 through the earlier of September 15, or a 14,700-chinook preseason guideline, or a 67,500-coho quota. The 67,500-coho quota included a subarea quota of 8,000 coho for the area between the U.S.-Canada border and the Queets River, WA. The fishery was scheduled to be open Thursday through Monday prior to August 11, and Wednesday through Sunday thereafter, with the restriction that no vessel may possess, land, or deliver more than 125 chinook for each 5-day open period.

The fishery in the area from the U.S.-Canada Border to Cape Falcon, OR was modified by Inseason Action #5 to open July 8 and close at midnight on July 12, 2004, then to reopen on July 16 through midnight on July 19, 2004, with the provision that no vessel may possess, land, or deliver more than 100 chinook for each open period (69 FR 43345, July 20, 2004). The fishing season was

modified to slow the chinook catch rate and avoid exceeding the chinook quota. The fishery was scheduled to be reevaluated by an inseason conference call on July 14, and any further adjustments announced.

The fishery in the area from the U.S.-Canada Border to Cape Falcon, OR, was modified by Inseason Action #6 to a revised landing provision that no vessel may possess, land, or deliver more than 125 chinook for the open period of July 16 through July 19, 2004 (69 FR 51609, August 20, 2004). The fishery then reverted back to the regulations as announced for 2004 ocean salmon fisheries and would continue until the chinook quota or coho quota were taken, or September 15, whichever was earlier. The fishery was reopened on July 22, with an open cycle of Thursday through Monday prior to August 11, and Wednesday through Sunday thereafter, and a landing and possession limit of 125 chinook per vessel per each 5-day open period.

In the 2004 annual management measures for ocean salmon fisheries (69 FR 25026, May 5, 2004), NMFS announced the recreational fishery in the area from the Queets River to Leadbetter Point, WA (Westport Subarea) would open June 27 through the earlier of September 19 or a 74,900-coho subarea quota, with a subarea guideline of 30,800 chinook.

The recreational fishery in the area from the Queets River, WA, to Cape Falcon, OR (Westport and Columbia River Subareas) was modified by Inseason Action #7 to be open 7 days per week, with a modified daily bag limit of all salmon, two fish per day, and all retained coho must have a healed adipose fin clip, effective Friday, July 23, 2004, thus allowing for the retention of two chinook per day (69 FR 52448, August 26, 2004).

The recreational fisheries in the area from Cape Alava, WA to Cape Falcon, OR, (La Push, Westport, and Columbia River Subareas) were modified by Inseason Action #10 to have a minimum size limit for chinook of 24 inches (61.0 cm) total length; and for the area from Cape Alava to Queets River, WA (La Push Subarea) the daily bag limit was modified to: "all salmon, two fish per day, and all retained coho must have a healed adipose fin clip," thus allowing for the retention of two chinook per day. In addition, 40,000 coho were reallocated from Queets River to Leadbetter Point, WA (Westport Subarea) quota, by transferring the coho on an impact neutral basis, to the coho quota in the subarea from the U.S.-Canada Border to Cape Alava, WA (Neah Bay Subarea), which increased

the Neah Bay quota by 6,600 coho (69 FR 54047, September 7, 2004).

On August 19, 2004, the RA consulted with representatives of the Pacific Fishery Management Council, Washington Department of Fish and Wildlife, and Oregon Department of Fish and Wildlife by conference call. Information related to catch and effort data indicated that restricting the fishery to marked coho was no longer needed because the percentage of marked hatchery coho was less than what was predicted preseason and impacts to natural unmarked coho would be less than anticipated preseason. In addition, the commercial troll fishery was projected to reach its chinook quota, and because there were additional chinook in the recreational Westport Subarea guideline, a trade of coho for chinook could be done while still meeting conservation objectives and without impacting Westport Subarea recreational fishers. As a result, on August 19 the states recommended, and the RA concurred, that the commercial salmon fishery in the area from the Queets River to Cape Falcon, OR be modified effective September 1, 2004, to allow for the retention of all legal sized coho with a landing provision that no vessel may possess, land, or deliver more than 500 coho for each 5-day open period until the earlier of September 15 or a quota of 10,000 coho. Unmarked coho could only be possessed and landed in the area from the Queets River to Cape Falcon. The recreational salmon fishery from the Queets River to Leadbetter Point, WA (Westport Subarea), would be modified effective Sunday, August 29, 2004, to allow for the retention of all legal sized

coho until the earlier of September 19 or a quota of 10,000 coho. Unmarked coho could only be possessed and landed in the Westport Subarea. In addition, 20,000 coho from the quota of the commercial fishery from the U.S.-Canada Border to Cape Falcon, OR would be traded for 5,000 chinook from the recreational Westport Subarea guideline. All other restrictions that apply to these fisheries would remain in effect as announced in the 2004 annual management measures and previous inseason actions.

The RA determined that the best available information indicated that the catch and effort data, and projections, supported the above inseason actions recommended by the states. The states manage the fisheries in state waters adjacent to the areas of the U.S. exclusive economic zone in accordance with these Federal actions. As provided by the inseason notice procedures of 50 CFR 660.411, actual notice to fishers of the above described regulatory actions were given, prior to the date the action was effective, by telephone hotline number 206-526-6667 and 800-662-9825, and by U.S. Coast Guard Notice to Mariners broadcasts on Channel 16 VHF-FM and 2182 kHz.

These actions do not apply to other fisheries that may be operating in other areas.

Classification

The Assistant Administrator for Fisheries, NOAA (AA), finds that good cause exists for this notification to be issued without affording prior notice and opportunity for public comment under 5 U.S.C. 553(b)(B) because such notification would be impracticable. As previously noted, actual notice of the

regulatory actions was provided to fishers through telephone hotline and radio notification. These actions comply with the requirements of the annual management measures for ocean salmon fisheries (69 FR 25026, May 5, 2004), the West Coast Salmon Plan, and regulations implementing the West Coast Salmon Plan 50 CFR 660.409 and 660.411. Prior notice and opportunity for public comment was impracticable because NMFS and the state agencies had insufficient time to provide for prior notice and the opportunity for public comment between the time the fishery catch and effort data were collected to determine the extent of the fisheries, and the time the fishery modifications had to be implemented in order to allow fishers access to the available fish at the time the fish were available. The AA also finds good cause to waive the 30-day delay in effectiveness required under U.S.C. 553(d)(3), as a delay in effectiveness of these actions would limit fishers appropriately controlled access to available fish during the scheduled fishing season by unnecessarily maintaining the restriction of selective fishing for marked coho in both the commercial and recreational fisheries.

These actions are authorized by 50 CFR 660.409 and 660.411 and are exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: October 26, 2004.

Alan D. Risenhoover,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 04-24342 Filed 10-29-04; 8:45 am]

BILLING CODE 3510-22-S

Proposed Rules

Federal Register

Vol. 69, No. 210

Monday, November 1, 2004

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA 2004-19221; Directorate Identifier 2004-CE-28-AD]

RIN 2120-AA64

Airworthiness Directives; Pilatus Aircraft Ltd. Models PC-12 and PC-12/45 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for all Pilatus Aircraft Ltd. (Pilatus) Models PC-12 and PC-12/45 airplanes. This proposed AD would require you to check the airplane logbook to determine whether any main landing gear (MLG) actuator (part number (P/N) 960.30.01.103) with serial numbers (SNs) 830E through 881E is installed. If any MLG actuator with one of these SNs is installed, you are required to replace the MLG actuator with a P/N 960.30.01.103 actuator that has a SN other than 830E through 881E. The pilot is allowed to do the logbook check. If the pilot can positively determine that no MLG actuator with one of these SNs is installed, no further action is required. This proposed AD results from mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Switzerland. We are issuing this proposed AD to prevent failure of the MLG actuator, which could result in loss of hydraulic extension/retraction of the MLG. This failure could lead to loss of control during ground operations.

DATES: We must receive any comments on this proposed AD by December 3, 2004.

ADDRESSES: Use one of the following to submit comments on this proposed AD:

- **DOT Docket Web site:** Go to <http://dms.dot.gov> and follow the

instructions for sending your comments electronically.

- **Government-wide rulemaking Web site:** Go to <http://www.regulations.gov> and follow the instructions for sending your comments electronically.

- **Mail:** Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL-401, Washington, DC 20590-001.

- **Fax:** 1-202-493-2251.

- **Hand Delivery:** Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

To get the service information identified in this proposed AD, contact Pilatus Aircraft Ltd., Customer Liaison Manager, CH-6371 Stans, Switzerland; telephone: +41 41 619 6208; facsimile: +41 41 619 7311; e-mail: SupportPC12@pilatus-aircraft.com or from Pilatus Business Aircraft Ltd., Product Support Department, 11755 Airport Way, Broomfield, Colorado 80021; telephone: (303) 465-9099; facsimile: (303) 465-6040.

To view the comments to this proposed AD, go to <http://dms.dot.gov>. This is docket number FAA 2004-19221.

FOR FURTHER INFORMATION CONTACT:

Doug Rudolph, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4059; facsimile: (816) 329-4090.

SUPPLEMENTARY INFORMATION:

Comments Invited

How do I comment on this proposed AD? We invite you to submit any written relevant data, views, or arguments regarding this proposal. Send your comments to an address listed under **ADDRESSES**. Include the docket number, "FAA 2004-19221; Directorate Identifier 2004-CE-28-AD" at the beginning of your comments. We will post all comments we receive, without change, to <http://dms.dot.gov>, including any personal information you provide. We will also post a report summarizing each substantive verbal contact with FAA personnel concerning this proposed rulemaking. Using the search function of our docket web site, anyone can find and read the comments received into any of our dockets, including the name of the individual

who sent the comment (or signed the comment on behalf of an association, business, labor union, etc.). This is docket number FAA 2004-19221. You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477-78) or you may visit <http://dms.dot.gov>.

Are there any specific portions of this proposed AD I should pay attention to? We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. If you contact us through a nonwritten communication and that contact relates to a substantive part of this proposed AD, we will summarize the contact and place the summary in the docket. We will consider all comments received by the closing date and may amend this proposed AD in light of those comments and contacts.

Docket Information

Where can I go to view the docket information? You may view the AD docket that contains the proposal, any comments received, and any final disposition in person at the DMS Docket Offices between 9 a.m. and 5 p.m. (eastern standard time), Monday through Friday, except Federal holidays. The Docket Office (telephone 1-800-647-5227) is located on the plaza level of the Department of Transportation NASSIF Building at the street address stated in **ADDRESSES**. You may also view the AD docket on the Internet at <http://dms.dot.gov>. The comments will be available in the AD docket shortly after the DMS receives them.

Discussion

What events have caused this proposed AD? The Federal Office for Civil Aviation FOCA, which is the airworthiness authority for Switzerland, recently notified FAA that an unsafe condition may exist on all Pilatus Aircraft Ltd. (Pilatus) Models PC-12 and PC-12/45 airplanes. The FOCA reports that some components of MLG actuators (part number (P/N) 960.30.01.103 with serial numbers (SNs) 830E through 881E) were incorrectly heat treated during manufacture. Components in this condition can decrease the specified fatigue life of the actuators.

It is possible that these components could have been removed and then

installed in other Pilatus Models PC-12 and PC-12/45 airplanes.

What is the potential impact if FAA took no action? Failure of the MLG actuator could result in loss of hydraulic extension/retraction of the MLG. This failure could lead to loss of control during ground operations.

Is there service information that applies to this subject? Pilatus has issued Pilatus PC-12 Service Bulletin No. 32-017, dated August 3, 2004.

What are the provisions of this service information? The service bulletin includes procedures for:

- Checking the airplane logbook to ensure that no MLG actuator (P/N 960.30.01.103) with SNs 830E through 881E is installed;
- Inspecting for any MLG actuator (P/N 960.30.01.103) with SN 830E through 881E; and
- Replacing any MLG actuator with a P/N 960.30.01.103 actuator that has a SN other than 830E through 881E.

What action did the FOCA take? The FOCA classified this service bulletin as mandatory and issued Swiss AD Number HB 2004-330, dated August 18, 2004, to ensure the continued airworthiness of these airplanes in Switzerland.

Did the FOCA inform the United States under the bilateral airworthiness agreement? These Pilatus Models PC-12 and PC-12/45 airplanes are manufactured in Switzerland and are type-certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement.

Under this bilateral airworthiness agreement, the FOCA has kept us informed of the situation described above.

FAA's Determination and Requirements of This Proposed AD

What has FAA decided? We have examined the FOCA's findings, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Since the unsafe condition described previously is likely to exist or develop on other Pilatus Models PC-12 and PC-12/45 airplanes of the same type design that are registered in the United States, we are proposing AD action to prevent failure of the MLG actuator, which could result in loss of hydraulic

extension/retraction of the MLG. This failure could lead to damage upon landing.

What would this proposed AD require? This proposed AD would require you to incorporate the actions in the previously-referenced service bulletin.

How does the revision to 14 CFR part 39 affect this proposed AD? On July 10, 2002, we published a new version of 14 CFR part 39 (67 FR 47997, July 22, 2002), which governs FAA's AD system. This regulation now includes material that relates to altered products, special flight permits, and alternative methods of compliance. This material previously was included in each individual AD. Since this material is included in 14 CFR part 39, we will not include it in future AD actions.

Costs of Compliance

How many airplanes would this proposed AD impact? We estimate that this proposed AD affects 260 airplanes in the U.S. registry.

What would be the cost impact of this proposed AD on owners/operators of the affected airplanes? We estimate the following costs to do this proposed inspection:

Labor cost	Parts cost	Total cost per airplane	Total cost on U.S. operators
1 work hour × \$65 per hour = \$65	Not Applicable	\$65	260 × \$65 = \$16,900.

We estimate the following costs to do any necessary replacement that would

be required based on the results of this proposed inspection. We have no way of

determining the number of airplanes that may need this replacement:

Labor cost	Parts cost	Total cost per airplane
3 work hours × \$65 per hour = \$195 per MLG actuator	Not Applicable	\$195

Pilatus will provide replacement parts free of charge if any MLG actuator with a SN 830E through 881E is returned to Pilatus. If purchased, the cost of a new actuator is \$14,000. The cost of an overhauled actuator is \$5,000.

Regulatory Findings

Would this proposed AD impact various entities? We have determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

Would this proposed AD involve a significant rule or regulatory action? For the reasons discussed above, I certify that this proposed AD:

1. Is not a "significant regulatory action" under Executive Order 12866;
2. Is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and
3. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared a summary of the costs to comply with this proposed AD and placed it in the AD Docket. You may get a copy of this summary by sending a request to us at the address listed under **ADDRESSES**. Include "AD Docket FAA

2004-19221; Directorate Identifier 2004-CE-28-AD" in your request.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

Pilatus Aircraft Ltd.: Docket No. FAA 2004–19221; Directorate Identifier 2004–CE–28–AD

When Is the Last Date I Can Submit Comments on This Proposed AD?

(a) We must receive comments on this proposed airworthiness directive (AD) by December 3, 2004.

What Other ADs Are Affected By This Action?

(b) None.

What Airplanes Are Affected by This AD?

(c) This AD affects Models PC–12 and PC–12/45 airplanes, all serial numbers, that are certificated in any category.

What Is the Unsafe Condition Presented in This AD?

(d) This AD is the result of mandatory continuing airworthiness information (MCAI)

issued by the airworthiness authority for Switzerland. The actions specified in this AD are intended to prevent failure of the main landing gear (MLG) actuator, which could result in loss of hydraulic extension/retraction of the MLG. This failure could lead to loss of control during ground operations.

What Must I Do To Address This Problem?

(e) To address this problem, you must do the following:

Actions	Compliance	Procedures
(1) Check the airplane logbook to ensure that no main landing gear (MLG) actuator (part number (P/N) 960.30.01.103) with serial numbers (SN) 830E through 881E is installed.	Within 90 days after the effective date of this AD, unless already done.	The owner/operator holding at least a private pilot certificate as authorized by section 43.7 of the Federal Aviation Regulations (14 CFR 43.7) may do this check.
(2) If you can positively determine that no MLG actuator (P/N 960.30.01.103) with SN 830E through 881E is installed, then no further action is required.	Not Applicable	Make an entry in the aircraft records showing compliance with paragraphs (e)(1) and (e)(2) of this AD per section 43.9 of the Federal Aviation Regulations (14 CFR 43.9).
(3) If you cannot positively determine that no MLG actuator (P/N 960.30.01.103) with SN 830E through 881E is installed, then inspect any MLG actuator (P/N 960.30.01.103) for SN 830E through 881E.	Within 90 days after the effective date of this AD, unless already done.	Follow the Accomplishment Instructions—Aircraft section in Pilatus PC–12 Service Bulletin No. 32–017, dated August 3, 2004.
(4) If any MLG actuator (P/N 960.30.01.103) with SN 830E through 881E is found during the inspection required by paragraph (e)(3) of this AD, replace the MLG actuator with a P/N 960.30.01.103 actuator that has a SN other than 830E through 881E.	Before further flight after the inspection required by paragraph (e)(3) of this AD in which any actuator with SN 830E through 881E is found.	Follow the Accomplishment Instructions—Aircraft section in Pilatus PC–12 Service Bulletin No. 32–017, dated August 3, 2004.
(5) Do not install any MLG actuator (P/N 960.30.01.103) with SN 830E through 881E.	As of the effective date of this AD	Not Applicable.

Note: The FAA recommends that you send any MLG actuator (P/N 960.30.01.103) with SN 830E through 881E to Pilatus.

May I Request an Alternative Method of Compliance?

(f) You may request a different method of compliance or a different compliance time for this AD by following the procedures in 14 CFR 39.19. Unless FAA authorizes otherwise, send your request to your principal inspector. The principal inspector may add comments and will send your request to the Manager, Standards Office, Small Airplane Directorate, FAA. For information on any already approved alternative methods of compliance, contact Doug Rudolph, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4059; facsimile: (816) 329–4090.

Is There Other Information That Relates to This Subject?

(g) Swiss AD Number HB 2004–330, dated August 18, 2004, also addresses the subject of this AD.

May I Get Copies of the Documents Referenced in This AD?

(h) To get copies of the documents referenced in this AD, contact Pilatus Aircraft Ltd., Customer Liaison Manager, CH–6371 Stans, Switzerland; telephone: +41 41 619 6208; facsimile: +41 41 619 7311; e-mail: SupportPC12@pilatus-aircraft.com or from

Pilatus Business Aircraft Ltd., Product Support Department, 11755 Airport Way, Broomfield, Colorado 80021; telephone: (303) 465–9099; facsimile: (303) 465–6040. To view the AD docket, go to the Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC, or on the Internet at <http://dms.dot.gov>. This is docket number FAA 2004–19221.

Issued in Kansas City, Missouri, on October 25, 2004.

Scott L. Sedgwick,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 04–24323 Filed 10–29–04; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket No. FEMA–P–7659]

Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, Department of Homeland Security.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are requested on the proposed Base (1% annual-chance) Flood Elevations (BFEs) and proposed BFE modifications for the communities listed below. The BFEs and modified BFEs are the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The comment period is ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: The proposed BFEs for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the table below.

FOR FURTHER INFORMATION CONTACT: Doug Bellomo, P.E., Hazard Identification Section, Emergency Preparedness and Response Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-2903.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency makes the final determinations listed below for the modified BFEs for each community listed. These modified elevations have been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Mitigation Division Director of the Emergency Preparedness and Response Directorate has resolved any appeals resulting from this notification.

These proposed BFEs and modified BFEs, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required.

They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings.

National Environmental Policy Act. This proposed rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act. The Mitigation Division Director of the Emergency Preparedness and Response Directorate certifies that this rule is exempt from the requirements of the Regulatory Flexibility Act because modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are required to maintain community eligibility in the NFIP. No regulatory flexibility analysis has been prepared.

Regulatory Classification. This proposed rule is not a significant regulatory action under the criteria of Section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 12612, Federalism. This proposed rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform. This proposed rule meets the applicable standards of Section 2(b)(2) of Executive Order 12778.

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood Insurance, Reporting and recordkeeping requirements.

Accordingly, 44 CFR Part 67 is proposed to be amended as follows:

PART 67—[AMENDED]

1. The authority citation for Part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 67.4 [Amended]

2. The tables published under the authority of § 67.4 are proposed to be amended as follows:

State	City/town/county	Source of flooding	Location	# Depth in feet above ground ♦ Elevation in Feet ♦ (NAVD)	
				Existing	Modified
MO	Knob Noster (City) Johnson County.	Clear Fork .....	.....	♦ 714	♦ 726
		Hughes Branch .....	.....	♦ 747	♦ 779
		Tributary 1 .....	.....	♦ 774	♦ 781
		Tributary 2 .....	.....	♦ 750	♦ 778

Maps are available for inspection at City Hall, 218 North State Street, Knob Noster, Missouri.

Send comments to The Honorable Edward Thering, Mayor, City of Knob Noster, 218 North State Street, Knob Noster, Missouri 65336.

State	City/town/county	Source of flooding	Location	# Depth in feet above ground * Elevation in Feet * (NGVD)	
				Existing	Modified
OK	Altus (City) Jack- son County.	Tributary 1	Approximately 0.40 mile downstream of North 2070 Road/Challenger Boulevard. Approximately 250 feet upstream of East Tamarack Road.	* 1,337	* 1,339
		Tributary 2	Just upstream of Burlington and Santa Fe Railroad Bridge.	* 1,378	* 1,376
		Tributary 3	Approximately 1.7 miles upstream of Veterans Drive.	* 1,345	* 1,346
		Tributary 3	At the confluence with Tributary 1	* 1,369	* 1,370
				* 1,364	* 1,363

State	City/town/county	Source of flooding	Location	# Depth in feet above ground * Elevation in Feet * (NGVD)	
				Existing	Modified

Maps are available for inspection at 300 East Commerce Street, Altus, Oklahoma.

Send comments to The Honorable T.L. Gramling, Mayor, City of Altus, 300 East Commerce Street, Altus, OK 73521.

	Jackson County (Unincorporated Areas).	Tributary 1	Just downstream of County Highway 164	None	* 1,334
			Approximately 1,550 feet upstream of the confluence of Tributary 2.	None	* 1,343
		Tributary 2	At confluence with Tributary 1	None	* 1,343
			Just upstream of Burlington Northern and Santa Fe Railway Bridge.	None	* 1,346

Maps are available for inspection at 101 North Main Street, Room 101, Altus, Oklahoma.

Send comments to The Honorable Ricky Crouch, Commissioner, District 2, Jackson County, 101 North Main Street, Room 101, Altus, OK 73521.

TX	Corsicana (City) Navarro County.	Mesquite Branch	At the confluence with Post Oak Creek (Lower Reach).	* 367	* 368
			Approximately 20 feet upstream of South 15th Street.	* 415	* 416
		Post Oak Creek (Lower Reach).	Approximately 200 feet downstream of the confluence of Mesquite Branch.	* 367	* 368
			Approximately 370 feet downstream of the confluence of South Fork Post Oak Creek and divergence of Post Oak Creek (Upper Reach).	* 408	* 407
		Post Oak Creek (Upper Reach).	Approximately 350 feet upstream of the confluence of South Fork Post Oak Creek and divergence of Post Oak Creek (Upper Reach).	* 409	* 408
			Approximately 2,960 feet upstream of Bowie Drive.	None	* 416
		Post Oak Creek Tributary 3.	At the confluence with Post Oak Creek (Lower Reach).	* 399	* 398
			Just upstream of Burlington Northern & Santa Fe Railway.	None	* 402
		Post Oak Creek Tributary 5.	At the confluence with Post Oak Creek (Lower Reach).	* 407	* 406
			Just upstream of Forrest Lane	None	* 430
		Post Oak Creek Tributary 6.	At the confluence with Post Oak Creek (Upper Reach).	* 412	* 411
			Approximately 190 feet upstream of Emhouse Road.	None	* 449
		South Fork Post Oak Creek.	At the confluence with Post Oak Creek (Lower Reach) and Post Oak Creek (Upper Reach).	* 409	* 408
			Approximately 1,490 feet upstream of North 29th Street.	None	* 438
		Town Branch	Approximately 150 feet upstream of the confluence with Mesquite Branch.	* 391	* 390
			Approximately 620 feet upstream of North 24th Street.	None	* 454

Maps are available for inspection at the Engineering Department, City of Corsicana Government Center, 200 North 12th Street, Corsicana, Texas.

Send comments to The Honorable Jay Waterman, Mayor, City of Corsicana, City of Corsicana Government Center, 200 North 12th Street, Corsicana, TX 75110.

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance.")

Dated: October 26, 2004.

David I. Maurstad,

*Acting Director, Mitigation Division,
Emergency Preparedness and Response
Directorate.*

[FR Doc. 04-24332 Filed 10-29-04; 8:45 am]

BILLING CODE 9110-12-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 041021287-4287-01; I.D.
101804E]

RIN 0648-AS82

Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Control Date

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Advance notice of proposed rulemaking; notice of a control date for the purposes of controlling entry in the general category Atlantic sea scallop fishery.

SUMMARY: NMFS announces that it is considering, and is seeking public comment on, proposed rulemaking to control future access to the open access vessel permit category (general category) Atlantic sea scallop fishery if a management regime is developed and implemented under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) to limit the number of participants in this sector of the scallop fishery. This sector of the fishery includes vessels with general category permits, as well as vessels with limited access scallop permits that land scallops while not on a scallop day-at-sea (DAS). This announcement is intended, in part, to promote awareness of potential eligibility criteria for future access so as to discourage speculative entry into the fishery while the New England Fishery Management Council (Council) considers whether and how access to the general category sea scallop fishery should be controlled. The date of publication of this notice, November 1, 2004, shall be known as the "control date" and may be used for establishing eligibility criteria for determining levels of future access to the sea scallop fishery subject to Federal authority.

DATES: Written comments must be received on or before 5:00 p.m., local time, December 1, 2004.

ADDRESSES: You may submit comments by any of the following methods:

- E-mail: sccontroldate@NOAA.gov.

Include in the subject line the following: "Comments on the Atlantic Sea Scallop Control Date Notice."

- Federal e-Rulemaking Portal: <http://www.regulations.gov>.

- Mail: Paper, disk, or CD-ROM comments should be sent to Patricia A. Kurkul, Regional Administrator, National Marine Fisheries Service, One Blackburn Drive, Gloucester, MA 01930. Mark the outside of the envelope, "Comments on the Atlantic Sea Scallop Control Date Notice."

- Fax: (978) 281-9135.

FOR FURTHER INFORMATION CONTACT:

Peter W. Christopher, Fishery Policy Analyst, 978-281-9288; fax 978-281-9135. email: peter.christopher@noaa.gov.

SUPPLEMENTARY INFORMATION: The Atlantic sea scallop is a benthic bivalve shellfish that supports a major commercial fishery on the Atlantic coast. Its distribution in Federal waters ranges from the international boundary with Canada, west to Georges Bank and southern New England, and then south to near the North Carolina/Virginia border. Sporadic concentrations of scallops are also found in the Gulf of Maine and south to areas off North Carolina. As scallop populations have rebuilt from being overfished, inshore areas have become more important to smaller commercial scallop fishing vessels. Notable areas where this inshore fishery takes place include the Gulf of Maine; the Great South Channel near Cape Cod, Massachusetts; the Nantucket Lightship Area; off Long Island, New York; off the central New Jersey coast; and off the Delmarva Peninsula.

Landings of scallop meats were 54.9 million lb (24.9 million kg) in 2003 (an increase of 8.1 percent compared to 2002), with a dockside value of \$224.3 million. Of this amount, 1.9 million lb (861,826 kg) (3.5 percent) of scallop meats were landed by 335 vessels with general category scallop permits. Of this general category fishing activity, 175 vessels with general category permits used scallop dredges to land 1.3 million lb (589,670 kg) of scallops, according to Federal dealer reports. In addition to the 660,000 lb (299,371 kg) that vessels with general category permits were reported to have landed during March 1 to December 31, 2002, limited access vessels landed an additional 96,000 lb (43,545 kg) (12.7 percent of the general

category landings) while fishing under general category rules, according to the analysis in the Atlantic Sea Scallop Fishery Management Plan (FMP) Amendment 10 document.

Further, the number of general category scallop permits issued between 2000 and 2004 is higher than the number of permits issued between 1994 and 1999. During the years 1994 to 1999 the number of permits issued ranged from 1,960 (in 1994) to 2,074 (in 1999). During the years 2000 to 2004 the number of permits issued ranged from 2,247 (in 2000) to 2,536 (in 2003). Since March 1, 2004, general category permits issued during the 2004 fishing year stand at 2,367.

According to the stock projections in the Framework 16 to the Atlantic Sea Scallop FMP and Framework 39 to the Northeast Multispecies FMP analysis, the current sea scallop Maximum Sustainable Yield (MSY) estimate is about 55 million lb (25 million kg) of meats. Annual landings are expected to vary considerably from this amount at times, due to natural variability in scallop recruitment. The Council notes that current capacity in the scallop fishery is sufficient to harvest or exceed MSY, and additional fishing by vessels that fish under general category rules has the potential to cause overfishing. The Council is also concerned that such fishing may change the historic distribution of landings among vessels, reduce the number of fishing days allocated to limited access vessels, and allow vessels that are not traditional participants in the scallop fishery to enter the fishery in response to improving scallop resource conditions coupled with increasing restrictions and declining prices in other fisheries.

The Council's original intent in establishing the general category scallop permit implemented in 1994 through Amendment 4 to the Atlantic Sea Scallop FMP, was to accommodate customary scallop bycatch in other fisheries and allow a flexible program for seasonal or opportunistic fisheries targeting inshore scallops. In response to recent concerns raised to the Council about expansion of directed scallop fishing under general category rules, the Council may consider development of an amendment to the Atlantic Sea Scallop FMP or framework action that could restrict access in the general category scallop fishery to control harvest capacity. Future entry into the general category fishery may be based on levels of participation (e.g., permit categories based on historic harvest levels of a vessel) or other criteria related to overall harvest capacity.

The control date is intended to discourage speculative entry into the general category scallop fishery while controlled access restrictions are considered by the Council. The control date will help to distinguish established participants from speculative entrants to the fishery. Although entering the fishery after the control date will not ensure fishing vessels of future access to the sea scallop resource on the grounds of previous participation, additional and/or other qualifying criteria may also be applied. The Council may choose different and variably weighted methods to qualify participants based on the type and length of participation in the general category scallop fishery.

This notification established November 1, 2004, as the control date for potential use in determining

historical or traditional participation in the general category scallop fishery. Consideration of a control date does not commit the Council or NMFS to develop any particular management system or criteria for participation in this fishery. The Council may choose a different control date, or may choose a management program that does not make use of such a date.

Fishers are not guaranteed future participation in the fishery, regardless of their entry dates or level of participation in this fishery before or after the control date. The Council may choose to give variably weighted consideration to fishers active in the fishery before and after the control date. The Council may also choose to take no further action to control entry or access to the fishery, in which case the control date may be

rescinded. Any action by the Council will be taken pursuant to the requirements for the development of FMP amendments established under the Magnuson-Stevens Act.

This notification also gives the public notice that interested participants should locate and preserve records that substantiate and verify their participation in the general category scallop fishery in Federal waters.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: October 27, 2004.

Rebecca Lent,

*Deputy Assistant Administrator for
Regulatory Programs, National Marine
Fisheries Service.*

[FR Doc. 04-24344 Filed 10-29-04; 8:45 am]

BILLING CODE 3510-22-S

Notices

Federal Register

Vol. 69, No. 210

Monday, November 1, 2004

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

October 26, 2004.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), *Pamela_Beverly_OIRA_Submission@omb.eop.gov* or fax (202) 395-5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250-7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720-8681.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to

the collection of information unless it displays a currently valid OMB control number.

Rural Business-Cooperative Service

Title: Survey of Cooperatives on Selecting Director Candidates for Director Elections.

OMB Control Number: 0570-0051.

Summary of Collection: Section 6029 of the Farm Security and Rural Investment Act of 2002 (Pub. L. 107-171) amended the Consolidated Farm and Rural Development Act (U.S.C. 2009cc) by adding Subtitle H—Rural Business Investment Program (RBIP). The purpose of RBIP is to promote economic development, create job opportunities in rural areas and to establish a developmental venture capital program with the mission of addressing unmet equity investment needs of small enterprises located in rural areas. In October 2003, USDA and Small Business Administration (SBA) signed an Economy Act Agreement authorizing SBA to provide “the day to day” management and operation of the RBIP.

Need and Use of the Information: USDA will use the information to determine eligibility for licensing as a Rural Business Investment Company (RBIC) and evaluate whether applicants have fulfilled the statutory and regulatory requirements of the RBIP. If the information were not collected, USDA would be unable to meet its statutory responsibilities with respect to the licensing and oversight of RBICs.

Description of Respondents: Business or other for-profit; not-for-profit institutions.

Number of Respondents: 108.

Frequency of Responses: Recordkeeping; reporting: quarterly; annually.

Total Burden Hours: 6,689.

Rural Housing Service

Title: 7 CFR 1806-A. “Real Property Insurance”.

OMB Control Number: 0575-0087.

Summary of Collection: The Rural Housing Service (RHS) Multi-Family Housing (MFH) Program is administered under the provisions of the Housing Act of 1949 and sections 303(c), and 321 (b) of the Consolidated Farm and Rural Development Act (CONACT). The Farm Service Agency (FSA) and MFH of the RHS currently share this regulation. The regulation governs the servicing of

property insurance on buildings and land securing the interest of RHS or FSA in connection with an FSA Farm Loan Program or MFH loan. The information collected pertains to the verification of insurance on property securing Agency loans. FSA or RHS borrowers submit the information required to agency offices. It is necessary to protect the government from losses due to weather, natural disasters, or fire and ensure that loan applicants meet the Act's loan making requirements of hazard insurance.

Need and Use of the Information: RHS MFS collects information from borrowers documenting that they have sufficient insurance on their property that would repair or replace the valuable structures on the property should it be damaged. This protects the Government from losses due to weather, natural disasters or fire. Failure to obtain this information may lead to increased loan losses and the failure of the farm business.

Description of Respondents: Individuals or households; farms; business or for-profit.

Number of Respondents: 4,550.

Frequency of Responses: Reporting: on occasion.

Total Burden Hours: 2,614.

Rural Housing Service

Title: Technical & Supervisory Assistance Grants.

OMB Control Number: 0575-0188.

Summary of Collection: Section 525 (a) of Title V of the Housing Act of 1949 gives authorization to the Rural Housing Service (RHS) to make grants, to enter into contracts with eligible organizations, “to pay part or all of the cost of developing, conducting, administering or coordinating comprehensive programs of technical and supervisory assistance which will aid needy low-income individuals and families in benefiting from Federal, State, and local housing programs in rural areas.”

Need and Use of the Information: RHS staff in its local, State and National offices will collect information from applicants to determine eligibility for a grant, project feasibility, and to monitor performance after grants have been awarded. Failure to collect this information could result in waste and improper use of Federal funds.

Description of Respondents: Not for profit institutions; State, local, or tribal government.

Number of Respondents: 50.
Frequency of Responses:
 Recordkeeping; reporting: quarterly.
Total Burden Hours: 1,185.

Grain Inspection, Packers & Stockyards Administration

Title: Report and Recordkeeping Requirements.

OMB Control Number: 0580-0013.

Summary of Collection: The Grain Inspection, Packers and Stockyards Administration (GIPSA) is mandated to provide, upon request, inspection, certification, and identification services related to assessing the class, quality, quantity, and condition of agricultural products shipped or received in interstate and foreign commerce. Applicants requesting GIPSA services must specify the kind and level of service desired, the identification of the product, the location, the amount, and other pertinent information in order that official personnel can efficiently respond to their needs.

Need and Use of the Information: GIPSA employees use the information to guide them in the performance of their duties. Additionally, producers, elevator operators, and/or merchandisers who obtain official inspection, testing, and weighing services are required to keep records related to the grain or commodity for three years. Personnel who provide official inspection, testing, and weighing services are required to maintain records related to the lot of grain or related commodity for a period of five years. The information is used for the purpose of investigating suspected violations.

Description of Respondents: Business or other for-profit; Federal government; State, local, or tribal government.

Number of Respondents: 8,713.

Frequency of Responses:

Recordkeeping; reporting: on occasion; weekly; monthly; semi-annually; annually.

Total Burden Hours: 159,151.

Agricultural Marketing Service

Title: Fruit and Vegetable Market New Survey: To Our Valued Customers.

OMB Control Number: 0581-NEW.

Summary of Collection: Section 203(g) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1621) directs and authorizes the collection and dissemination of marketing information. The fruit and vegetable trade use the data as guides in making marketing decisions. Market News provides all interested segments of the market chain with timely, accurate information from an unbiased third party. A survey has been developed to improve and expand global market reporting for the fruit and vegetable industry.

Need and Use of the Information: Market News reports serve as data sources for other government agencies for planning and policy development and is used by other USDA agencies, such as the Economic Research Service and for the National Agricultural Statistical Service's Crop Production reports. In addition, Federal, State and local governments involved in food purchase programs and institutional buying, uses the Market News reports. If the information is not collected, the market news will not adequately meet the needs of the fruit and vegetable industry in the specific area of international markets.

Description of Respondents: Business or other for-profit; farms.

Number of Respondents: 500.

Frequency of Responses: Reporting: other (as needed).

Total Burden Hours: 25.

Food and Nutrition Service

Title: 7 CFR Part 225, Summer Food Service Program.

OMB Control Number: 0584-0280.

Summary of Collection: Section 13 of the National School Lunch Act, as amended, 42 U.S.C. 1761, authorizes the Summer Food Service Program (SFSP). The SFSP provides assistance to States to initiate and maintain nonprofit food service programs for needy children during the summer months and at other approved times. Under the program, a sponsor receives reimbursement for serving nutritious, well-balanced meals to eligible children at the food service sites. Information is gathered from State agencies and other organizations wishing to participate in the program to determine eligibility. FNS uses a variety of forms to collect information.

Need and Use of the Information: FNS uses the information collected to determine an organization's eligibility and to monitor program performance for compliance and reimbursement purposes.

Description of Respondents: Individuals or household; not-for-profit institutions; Federal government; State, local, or tribal government.

Number of Respondents: 141,226.

Frequency of Responses: Recordkeeping; reporting: on occasion; weekly; quarterly; monthly.

Total Burden Hours: 250,455.

Food and Nutrition Service

Title: Food Coupon Accountability Report.

OMB Control Number: 0584-0009.

Summary of Collection: The Food Stamp Act of 1977, (the Act) authorizes the Food and Nutrition Service (FNS), on behalf of the Secretary of

Agriculture, to develop appropriate procedures for determining and monitoring the amount of food coupon inventories maintained by State agencies in the Food Stamp Program. Regulations for the Food Stamp Program require coupon issuers, bulk storage points, and claims collection points to report to their State agencies monthly on coupon inventories using the form FNS-250, Food Coupon Accountability Report.

Need and Use of the Information: The information collected on the FNS-250, shows the starting inventory as reported on the previous month's FNS 250, incoming shipments, returns to inventory, transfers in, transfer out, and credits. Monthly reporting on inventories ensures that coupons are available for issuance generally, ensures that the types of coupon books needed are on hand, and helps to keep storage and insurance costs down by allowing relatively low inventories.

Description of Respondents: State, local, or tribal government.

Number of Respondents: 118.

Frequency of Responses:

Recordkeeping; reporting: monthly.

Total Burden Hours: 4,248.

Sondra Blakey,

Departmental Information Collection Clearance Officer.

[FR Doc. 04-24309 Filed 10-29-04; 8:45 am]

BILLING CODE 3410-02; 3410-XT; 3410-30; 3410-KD-P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

October 26, 2004.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Desk Officer for Agriculture, Office of

Information and Regulatory Affairs, Office of Management and Budget (OMB), *Pamela_Beverly_OIRA_Submission@omb.eop.gov* or fax (202) 395-5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250-7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720-8681.

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Animal and Plant Health Inspection Service

Title: 9 CFR 85 Psuedorabies.

OMB Control Number: 0579-0070.

Summary of Collection: The Animal and Plant Health Inspection Service (APHIS), on behalf of the Secretary of Agriculture, is charged with taking actions deemed necessary to prevent the introduction or dissemination of any contagious infections or communicable disease of animals or poultry from one State or Territory of the United States to another. APHIS implements regulations that control and stop the escalating spread of pseudorabies, which is a herpes virus disease that affects many species of animal, but primarily swine. Regulating the interstate movement of swine requires the use of certain information gathering activities such as permits, certificates, and owner-shipper statements to ascertain the health status of the swine.

Need and Use of the Information: The information collected is used by APHIS to monitor the health status of swine being moved, the number of swine being moved in a particular shipment, the shipment's point of origin, the shipment's destination, and the reason for the interstate movement. This information also provides APHIS officials with critical information concerning a shipment's history, which in turn enables APHIS to engage in swift, successful trace back investigations when infected swine are discovered.

Description of Respondents: Farms; Federal government; State, local, or tribal government.

Number of Respondents: 30,050.

Frequency of Responses: Recordkeeping; reporting: on occasion; quarterly.

Total Burden Hours: 8,567.

Animal and Plant Health Inspection Service

Title: Scrapie Flock Certification, Animal Identification, and Indemnification Procedures.

OMB Control Number: 0579-0101.

Summary of Collection: The Animal and Plant Health Inspection Service (APHIS) regulates the importation and interstate movement of animals and animal products, and conducts various other activities to protect the health of the Nation's livestock and poultry. Scrapie is a progressive, degenerative and eventually fatal disease affecting the central nervous system of sheep and goats. Its control is complicated because the disease has an extremely long incubation period without clinical signs of disease, and there is no test or known treatment for the disease. Regulations in 9 CFR part 79 restrict the interstate movement of certain sheep and goats to help prevent the spread of scrapie. APHIS also has regulations at 9 CFR part 54 for an indemnity program to compensate owners of sheep and goats destroyed because of scrapie.

Need and Use of the Information: APHIS will collect information using cooperative agreements; applications from owners to participate in the Scrapie Flock Certification Program; post-exposure management and monitoring plans; scrapie test records; application for indemnity payments; certificates, permits, and owner statements for the interstate movement of certain sheep and goats; application for premises identification numbers; and applications for APHIS-approved ear tags, back tags, or tattoos. Without this information, APHIS' efforts to more aggressively prevent the spread of scrapie would be severely hindered.

Description of Respondents: Farms; business or other for-profit; State, local, or tribal government.

Number of Respondents: 150,000.

Frequency of Responses:

Recordkeeping; reporting: on occasion.

Total Burden Hours: 85,151.

Animal and Plant Health Inspection Service

Title: Exotic Newcastle Disease in Birds and Poultry; Chlamydiosis in Poultry.

OMB Control Number: 0579-0116.

Summary of Collection: Velogenic or exotic Newcastle disease (END) is the most severe form of Newcastle disease and is foreign to the United States. It is one of the most serious diseases of

poultry throughout the world. The virus also infects and causes disease in wild birds including parrots and parakeets. Chlamydiosis is a naturally occurring contagious disease that can be highly fatal in young birds. Regulations contained in 9 CFR part 82 restrict the interstate movement of poultry, birds, and other items (such as eggs, carcasses, vehicles, containers, and coops) to help prevent the spread of END and chlamydiosis. Disease prevention is the most effective method for maintaining a healthy animal population and for enhancing APHIS ability to compete in the world market of animals and animal product trade.

Need and Use of the Information: APHIS will collect information through the use of documents attesting to the health status of the birds or poultry being moved, the number and types of birds or poultry being moved in a particular shipment, the shipment's point of origin and designation, and the reason for the interstate movement. These documents provide useful "trace back" information in the event an infected bird or chicken is discovered and an investigation must be launched to determine where the bird or chicken originated. The information provided by these documents is critical to APHIS ability to prevent the interstate spread of END, which is highly contagious and capable of causing significant economic harm to the U.S. poultry industry.

Description of Respondents: Business or other for profit; individuals or households; farms; State, local, or tribal government.

Number of Respondents: 60.

Frequency of Responses: Reporting: on occasion.

Total Burden Hours: 35.

Animal and Plant Health Inspection Service

Title: Importation of Fruits and Vegetables.

OMB Control Number: 0579-0128.

Summary of Collection: The United States Department of Agriculture is responsible for preventing plant pest and noxious weed from entering into the United States and controlling and eradication plant pests in the United States. The Plant Protection Act authorizes the Department to carry out this mission. Before entering the United States, fruits and vegetables are subject to inspection and disinfection at their port of first arrival to ensure that no plant pest are inadvertently brought into the United States. These precautions, along with other requirements, ensure that these items can be imported into the United States with minimal risk of

introducing exotic plant pests such as fruit flies and leek moths.

Need and Use of the Information: APHIS will use the collected information on the Phytosanitary Certificate to determine the pest condition of the shipment at the time of inspection in the foreign country. The information is also used as a guide to the intensity of the inspection that is conducted when the shipment arrives. Without the information, all shipments would need to be inspected very thoroughly, thereby requiring considerably more time.

Description of Respondents: Business or other for profit; State, local, or tribal government; individuals or households; farms; not-for-profit institutions.

Number of Respondents: 50.

Frequency of Responses: Recordkeeping; reporting: on occasion.

Total Burden Hours: 501.

Animal and Plant Health Inspection Service

Title: Brucellosis in Sheep, Goats, Horses, and Payment of Indemnity.

OMB Control Number: 0579-0185.

Summary of Collection: 21 U.S.C. 111, 115, 118, authorized the Secretary of Agriculture to take measures to prevent the introduction or dissemination of any contagious or communicable disease of animals or live poultry from a foreign country into the United States or from one State to another. Disease preventing is the most effective method for maintaining a healthy animal population and enhancing the Animal and Plant Health Inspection (APHIS) ability to compete in exporting animals and animal products. Brucellosis is a contagious disease that causes loss of young through spontaneous abortion or birth of weak offspring, reduced milk production, and infertility. It is mainly a disease of cattle, bison, and swine. Sheep, goats, and horses are also susceptible, but are rarely infected. There is no economically feasible treatment for brucellosis in livestock.

Need and Use of the Information: APHIS will collect information from the use of official seals and animal identification; indemnity claims, test records, and permits; and the submission of proof of destruction documentation and requests for extension of certain program-related deadlines. The information will provide indemnity to owners of sheep, goat, or horses destroyed because of brucellosis. Without the information, it would make it impossible for APHIS to effectively operate an indemnity program for sheep, goats, and horses destroyed because of brucellosis.

Description of Respondents: Farms; individuals or households; Federal government; State, local and tribal government.

Number of Respondents: 4.

Frequency of Responses: Reporting: on occasion.

Total Burden Hours: 1.

Animal and Plant Health Inspection Service

Title: Black Stem Rust; Identification Requirements and Addition of Rust-Resistant Varieties.

OMB Control Number: 0579-0186.

Summary of Collection: Under the Plant Protection Act (7 U.S.C. 7701-772), the Secretary of Agriculture is authorized to prohibit or restrict the importation, entry, or movement of plants and plant products to prevent the introduction of plant pests into the United States or their dissemination within the United States. Black stem rust is one of the most destructive plant diseases of small grains that are known to exist in the United States. The disease is caused by a fungus that reduces the quality and yield of infected wheat, oat, barley, and rye crops by robbing host plants of food and water.

Need and Use of the Information: APHIS will collect information to prevent the spread of black stem rust by providing for and requiring the accurate identification of rust-resistant varieties by inspectors.

Description of Respondents: Business or other for profit.

Number of Respondents: 4.

Frequency of Responses: Reporting: on occasion.

Total Burden Hours: 32.

Animal and Plant Health Inspection Service

Title: NAHMS National Poultry Study 2004.

OMB Control Number: 0579-NEW

Summary of Collection: Collection and dissemination of animal health and poultry health data and information is mandated by 7 U.S.C. 391, the Animal Industry Act of 1884, which established the precursor of the Animal and Plant Health Inspection Service (APHIS), Veterinary Services, the Bureau of Animal Industry. The collection, analysis and dissemination of animal and poultry health information on a national basis are consistent with the APHIS mission of protecting and improving American agriculture's productivity and competitiveness. APHIS will be conducting the National Poultry 2004 Study, which will consist of three separate questionnaires and administered by Federal Veterinary technicians. The objectives of the

Poultry 2004 Study are to: (1) Identify and describe the current population density of backyard poultry flocks around commercial operations within States that account for a large proportion of U.S. poultry production; (2) assess current movement and handling practices among small and large producers that could potentially spread poultry disease; (3) identify common movement, biosecurity, and cleaning and disinfection practice at live bird markets; and (4) disseminate information on the benefits of proper biosecurity techniques to poultry owners.

Need and Use of the Information: The information generated by the Poultry 2004 Study will be used to identify the potential impact of backyard poultry on commercial poultry facilities and to determine the economic consequences of animal disease.

Description of Respondents:

Individuals or households; farms.

Number of Respondents: 3,750.

Frequency of Responses: Reporting: on occasion.

Total Burden Hours: 1,257.

Sondra Blakey,

Departmental Information Collection Clearance Officer.

[FR Doc. 04-24310 Filed 10-29-04; 8:45 am]

BILLING CODE 3410-34-P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 04-110-1]

Notice of Request for Extension of Approval of an Information Collection

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Extension of approval of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request an extension of approval of an information collection associated with the payment of indemnity for the voluntary depopulation of captive cervid herds known to be affected with chronic wasting disease.

DATES: We will consider all comments that we receive on or before January 3, 2005.

ADDRESSES: You may submit comments by any of the following methods:

EDOCKET: Go to <http://www.epa.gov/feddoctet> to submit or view public

comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Once you have entered EDOCKET, click on the "View Open APHIS Dockets" link to locate this document.

Postal Mail/Commercial Delivery: Please send four copies of your comment (an original and three copies) to Docket No. 04-110-1, Regulatory Analysis and Development, PPD, APHIS, Station 3C71, 4700 River Road Unit 118, Riverdale, MD 20737-1238. Please state that your comment refers to Docket No. 04-110-1.

E-mail: Address your comment to regulations@aphis.usda.gov. Your comment must be contained in the body of your message; do not send attached files. Please include your name and address in your message and "Docket No. 04-110-1" on the subject line.

Agency Web site: Go to <http://www.aphis.usda.gov/ppd/rad/cominst.html> for a form you can use to submit an e-mail comment through the APHIS Web site.

Reading Room: You may read any comments that we receive on this docket in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690-2817 before coming.

Other Information: You may view APHIS documents published in the **Federal Register** and related information, including the names of groups and individuals who have commented on APHIS dockets, on the Internet at <http://www.aphis.usda.gov/ppd/rad/webrepor.html>.

FOR FURTHER INFORMATION CONTACT: For information on the payment of indemnity for chronic wasting disease, contact Dr. Dean Goeldner, Senior Staff Veterinarian, Eradication and Surveillance Team, National Center for Animal Health Programs, VS, APHIS, 4700 River Road Unit 43, Riverdale, MD 20737-1231; (301) 734-4916. For copies of more detailed information on the information collection, contact Mrs. Celeste Sickles, APHIS' Information Collection Coordinator, at (301) 734-7477.

SUPPLEMENTARY INFORMATION:

Title: Chronic Wasting Disease in Cervids; Payment of Indemnity.

OMB Number: 0579-0189.

Type of Request: Extension of approval of an information collection.

Abstract: The United States Department of Agriculture (USDA) is responsible for, among other things, preventing the interstate spread of pests and diseases of livestock within the United States and for conducting eradication programs. In connection with this mission, the Animal and Plant Health Inspection Service established regulations to provide for the payment of indemnity by USDA for the voluntary depopulation of captive cervid herds known to be affected with chronic wasting disease (CWD).

CWD is a transmissible spongiform encephalopathy of cervids (elk, deer, and other members of the deer family) and is typified by chronic weight loss leading to death. The presence of CWD in cervids causes significant economic and market losses to U.S. producers.

The regulations in 9 CFR part 55 authorize the payment of indemnity for the voluntary depopulation of CWD-positive, -exposed, or -suspect captive cervids. In order to take part in the indemnity program, cervid producers must apply for participation, must sign a payment, appraisal, and agreement form, and must certify as to whether any other parties hold mortgages on the herd. These requirements involve the use of two information collection instruments: an Appraisal/Indemnity Claim Form (VS Form 1-23) and a Herd Plan Agreement.

We are asking the Office of Management and Budget (OMB) to approve our use of these information collection activities for an additional 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning this information collection. These comments will help us:

- (1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;
- (2) Evaluate the accuracy of our estimate of the burden of the information collection, including the validity of the methodology and assumptions used;
- (3) Enhance the quality, utility, and clarity of the information to be collected; and
- (4) Minimize the burden of the information collection on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies, e.g., permitting electronic submission of responses.

Estimate of burden: The public reporting burden for this collection of information is estimated to average 1 hour per response.

Respondents: Cervid herd owners, State personnel who perform appraisal work.

Estimated annual number of respondents: 20.

Estimated annual number of responses per respondent: 1.

Estimated annual number of responses: 20.

Estimated total annual burden on respondents: 20 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, this 27th day of October 2004.

Elizabeth E. Gaston,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. E4-2948 Filed 10-29-04; 8:45 am]

BILLING CODE 3410-34-P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 04-030-2]

Mycogen c/o Dow; Extension of Determination of Nonregulated Status for Corn Genetically Engineered for Insect Resistance and Glufosinate Herbicide Tolerance

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public of our decision to extend to one additional corn line our determination that a corn line developed by Mycogen Seeds c/o Dow AgroSciences LLC, which has been genetically engineered for insect resistance and tolerance to the herbicide glufosinate, is no longer considered a regulated article under our regulations governing the introduction of certain genetically engineered organisms. Our decision is based on our evaluation of data submitted by Mycogen c/o Dow in its request for an extension of a determination of nonregulated status, an analysis of other scientific data, and a comment received from the public in response to a previous notice. This notice also announces the availability of our written determination and our finding of no significant impact.

EFFECTIVE DATE: October 20, 2004.

ADDRESSES: You may read the extension request, the environmental assessment and finding of no significant impact, and the comment we received on our previous notice in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690-2817 before coming.

APHIS documents published in the **Federal Register**, and related information, including the names of organizations and individuals who have commented on APHIS dockets, are available on the Internet at <http://www.aphis.usda.gov/ppd/rad/webrepor.html>.

FOR FURTHER INFORMATION CONTACT: Ms. Robyn Rose, Biotechnology Regulatory Services, APHIS, Suite 5B05, 4700 River Road Unit 147, Riverdale, MD 20737-1236; (301) 734-0489. To obtain a copy of the extension request or the environmental assessment and finding of no significant impact, contact Ms. Terry Hampton at (301) 734-5715; e-mail: Terry.A.Hampton@aphis.usda.gov. The extension request and the environmental assessment and finding of no significant impact are also available on the Internet at http://www.aphis.usda.gov/brs/aphisdocs/03_18101p.pdf and http://www.aphis.usda.gov/brs/aphisdocs/03_18101p_ea.pdf.

SUPPLEMENTARY INFORMATION: The regulations in 7 CFR part 340, "Introduction of Organisms and Products Altered or Produced Through Genetic Engineering Which Are Plant Pests or Which There is Reason to Believe Are Plant Pests," regulate, among other things, the introduction (importation, interstate movement, or release into the environment) of organisms and products altered or produced through genetic engineering that are plant pests or that there is reason to believe are plant pests. Such genetically engineered organisms and products are considered "regulated articles."

The regulations in § 340.6(a) provide that any person may submit a petition to the Animal and Plant Health Inspection Service (APHIS) seeking a determination that an article should not be regulated under 7 CFR part 340. Further, the regulations in § 340.6(e)(2) provide that a person may request that APHIS extend a determination of nonregulated status to other organisms.

Such a request must include information to establish the similarity of the antecedent organism and the regulated article in question.

Background

On June 30, 2003, APHIS received a request for an extension of a determination of nonregulated status (APHIS No. 03-181-01p) from Mycogen Seeds c/o Dow AgroSciences LLC (Mycogen/Dow) of Indianapolis, IN, for corn (*Zea mays* L.) designated as maize line 6275 (corn line 6275), which has been genetically engineered for resistance to certain lepidopteran pests and tolerance to the herbicide glufosinate. Mycogen/Dow requested an extension of a determination of nonregulated status issued in response to APHIS petition number 00-136-01p for insect resistant and glufosinate tolerant corn line 1507, the antecedent organism (see 66 FR 42624-42625, published August 14, 2001, Docket No. 00-070-3). Based on the similarity of corn line 6275 to the antecedent corn line 1507, Mycogen/Dow requested a determination that corn line 6275 does not present a plant pest risk and, therefore, is not a regulated article under APHIS' regulations in 7 CFR part 340.

On August 17, 2004, APHIS published a notice in the **Federal Register** (69 FR 51058-51059, Docket No. 04-030-1) announcing that an environmental assessment (EA) for the Mycogen/Dow extension request had been prepared and was available for public comment. APHIS received one comment on the subject EA during the designated 30-day public comment period, which ended September 16, 2004. The comment, which was from a private individual, stated, without reference to any supporting data, that corn line 6275 should continue to be regulated because it is harmful to humans and contains plant pathogens. APHIS evaluated the safety of corn line 6275 in the EA and has provided a response to this comment as an attachment to the finding of no significant impact (FONSI). The EA and FONSI are available as indicated under **FOR FURTHER INFORMATION CONTACT**.

Analysis

Like the antecedent organism, corn line 6275 has been genetically engineered to express a Cry1F insecticidal protein derived from the common soil bacterium *Bacillus thuringiensis* subsp. *Aizawi* (*Bt aizawi*). The Cry1F protein is said to be effective in controlling certain lepidopteran pests of corn, including European corn borer, black cutworm, fall army worm, and

southwestern corn borer. Corn line 6275 also contains the *bar* gene isolated from the bacterium *Streptomyces hygroscopicus*. The *bar* gene encodes a phosphinothricin acetyltransferase enzyme which confers tolerance to the herbicide glufosinate. The antecedent organism contains the *pat* gene derived from the bacterium *Streptomyces viridochromogenes*. The *pat* gene encodes a phosphinothricin acetyltransferase (PAT) protein, which also confers tolerance to glufosinate herbicides. Corn line 6275 was developed through use of *Agrobacterium*-mediated transformation, while microprojectile bombardment was used to transfer the added genes into the antecedent organism, corn line 1507. The recipient line used in both the antecedent organism and corn line 6275 was the public line designated Hi-II.

Corn line 6275 expresses an insecticidal crystal protein identical in amino acid sequence to the Cry1F protein expressed in line 1507, both lines express an identical protein which confers tolerance to the herbicide glufosinate, and the recipient line used in both lines was the same public line Hi-II. Accordingly, we have determined that corn line 6275 is similar to the antecedent organism in APHIS petition number 00-136-01p and that corn line 6275 should no longer be regulated under the regulations in 7 CFR part 340.

Corn line 6275 has been considered a regulated article under APHIS regulations in 7 CFR part 340 because it contains gene sequences derived from plant pathogens. However, corn line 6275 has been field tested since 1999 under APHIS authorizations. In the process of reviewing the notifications for field trials of the subject corn, APHIS determined that the vectors and other elements were disarmed and that the trials, which were conducted under conditions of reproductive and physical confinement or isolation, would not present a risk of plant pest introduction or dissemination.

Determination

Based on an analysis of the data submitted by Mycogen/Dow and a review of other scientific data, APHIS has determined that corn line 6275: (1) Exhibits no plant pathogenic properties; (2) is no more likely to become a weed than corn varieties developed by traditional breeding techniques and is unlikely to increase the weediness potential for any other cultivated or wild species with which it can interbreed; (3) will not cause damage to raw or processed agricultural commodities; (4) will not harm

threatened or endangered species or other organisms, such as bees, that are beneficial to agriculture; and (5) is unlikely to have any significant adverse impact on agricultural practices. Therefore, APHIS has concluded that corn line 6275 and any progeny derived from crosses with other corn varieties will be as safe to grow as corn that is not subject to regulation under 7 CFR part 340.

Because APHIS has determined that the subject corn line does not present a plant pest risk based on its similarity to the antecedent organism, Mycogen/Dow corn line 6275 will no longer be considered a regulated article under APHIS' regulations in 7 CFR part 340. Therefore, the requirements pertaining to regulated articles under those regulations no longer apply to the field testing, importation, or interstate movement of the subject corn line or its progeny. However, importation of corn line 6275 and seeds capable of propagation are still subject to the restrictions found in APHIS' foreign quarantine notices in 7 CFR part 319 and imported seed regulations in 7 CFR part 361.

National Environmental Policy Act

An EA was prepared to examine any potential environmental impacts associated with the proposed extension of a determination of nonregulated status for the subject corn line. The EA was prepared in accordance with: (1) The National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 *et seq.*), (2) regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500–1508), (3) USDA regulations implementing NEPA (7 CFR part 1b), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372). Based on that EA, APHIS has reached a FONSI with regard to the determination that Mycogen/Dow corn line 6275 and lines developed from it are no longer regulated articles under its regulations in 7 CFR part 340. Copies of the EA and FONSI are available as indicated under **FOR FURTHER INFORMATION CONTACT**.

Done in Washington, DC, this 27th day of October 2004.

Elizabeth E. Gaston,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. E4–2949 Filed 10–29–04; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Foreign Agricultural Service

Trade Adjustment Assistance for Farmers

AGENCY: Foreign Agricultural Service, USDA.

ACTION: Notice.

The Administrator, Foreign Agricultural Service (FAS), re-certified the trade adjustment assistance (TAA) petition that was filed by the Puget Sound Salmon Commission on behalf of Washington salmon fishermen and initially certified on October 22, 2003. Salmon fishermen holding permits and licenses in the State of Washington will be eligible to apply for fiscal year 2005 benefits during a 90-day period beginning on November 1, 2004. The application period closes on January 31, 2005.

SUPPLEMENTARY INFORMATION: Upon investigation, the Administrator determined that continued increases in imports of farmed salmon contributed importantly to a decline in the average landed price of salmon in Washington by 24.6 percent during the 2003 marketing period (January–December 2003), compared to the 1997–2001 base period. Eligible producers may request technical assistance from the Extension Service at no cost and receive an adjustment assistance payment, if certain program criteria are satisfied. Applicants who did not receive technical assistance under the fiscal 2004 TAA program must obtain the technical assistance prior to May 2, 2005 in order to be eligible for financial payments.

Producers of raw agricultural commodities wishing to learn more about TAA and how they may apply should contact the Department of Agriculture at the addresses provided below for general information.

Producers Certified as Eligible for TAA, Contact: Farm Service Agency service centers.

For General Information about TAA, Contact: Jean-Louis Pajot, Coordinator, Trade Adjustment Assistance for Farmers, FAS, USDA, (202) 720–2916, e-mail: trade.adjustment@fas.usda.gov.

Dated: October 20, 2004.

Kenneth Roberts,

Acting Administrator, Foreign Agricultural Service.

[FR Doc. 04–24289 Filed 10–29–04; 8:45 am]

BILLING CODE 3410–10–P

DEPARTMENT OF AGRICULTURE

Forest Service

Information Collection; Request for Comments; Public Perceptions of Wildfire Management Within the Southern California Wildland-Urban Interface

AGENCY: Forest Service, USDA.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Forest Service is seeking comments from all interested individuals and organizations on the new information collection, Public Perceptions of Wildfire Management within the Southern California Wildland-Urban Interface. This study requires administration of a survey to a statistical sample of forest proximate residents and visitors.

DATES: Comments must be received in writing on or before January 3, 2005, to be assured of consideration. Comments received after that date will be considered to the extent practicable.

ADDRESSES: Comments concerning this notice should be addressed to Dr. James Absher, Pacific Southwest Research Station, Forest Service, USDA, 4955 Canyon Crest Drive, Riverside, CA 92507.

Comments may also be submitted via facsimile to (951) 680–1501 or by e-mail to jabsher@fs.fed.us.

The public may inspect comments received at the Pacific Southwest Research Station, Forest Service, USDA, 4955 Canyon Crest Drive, Riverside, California, during normal business hours. Visitors are encouraged to call ahead to (951) 680–1500 to facilitate entry to the building.

FOR FURTHER INFORMATION CONTACT: Dr. James Absher, Pacific Southwest Research Station. (951) 680–1559. Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339 24 hours a day, every day of the year, including holidays.

SUPPLEMENTARY INFORMATION:

Title: Public Perceptions of Wildfire Management within the Southern California Wildland-Urban Interface.

OMB Number: 0596–New.

Expiration Date of Approval: N/A.

Type of Request: New.

Abstract: Recent wildfires in the Western United States and the resultant public response to the devastation caused by them highlight the need for understanding the human dimensions of forest and wildfire management. Because the impacts of wildland fire

extend beyond public land boundaries into the private communities lying on their periphery, understanding their response to the loss of public and private property is important. Public land management agencies need a better understanding of local preferences for management options and of community needs, particularly from those residing within the wildland—urban interface.

Information will be collected from residents of communities adjacent to a National Forest in southern California and from visitors to the same National Forest area. The information collected will provide forest managers with greater understanding of public attitudes, preferences, and behaviors related to the Forest Service's wildland fire management, including fire management practices and policies, information about respondents' own behaviors related to hazard reduction and preparedness, and respondents' knowledge of Forest Service fire management programs, such as Firewise.

Researchers will use two primary methods of data collection: (a) a self administered questionnaire mailed to residents in forest proximate neighborhoods and (b) an onsite interview with a follow-up mail questionnaire. Both interview and questionnaire are voluntary.

Experts in recreation, social science and fire management from the Forest Service and cooperating universities, in consultation with National Forest staff, will develop the surveys. The researchers will then administer the surveys to a random sample of residents drawn from adjacent communities and visitors to the Forest, analyze the information and incorporate the results and recommendations into reports for use by managers and other researchers. This survey is necessary to provide information about residents and visitors' perceptions and preferences related to Forest Service fire management policy and practice, and will enable the Forest Service to better respond to community need.

Estimate of Annual Burden: 20 minutes per respondent.

Type of Respondents: Randomly selected individuals that are residents living near a southern California National Forest and National Forest visitors.

Estimated Annual Number of Respondents: 2,000.

Estimated Annual Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 667 hours.

Comment is invited on: (1) Whether this collection of information is

necessary for the stated purposes and the proper performance of the functions of the agency, including whether the information will have practical or scientific utility; (2) the accuracy of the agency's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Use of Comments

All comments received in response to this notice, including names and addresses when provided, will be a matter of public record. Comments will be summarized and included in the submission request toward Office of Management and Budget approval.

Dated: October 19, 2004.

Barbara C. Weber,

Associate Deputy Chief for Research & Development.

[FR Doc. 04-24299 Filed 10-29-04; 8:45 am]

BILLING CODE 3410-11-P

DEPARTMENT OF AGRICULTURE

Forest Service

Black-Tailed Prairie Dog Conservation and Management on the Nebraska National Forest and Associated Units

AGENCY: USDA Forest Service.

ACTION: Notice of intent to prepare Environmental Impact Statement.

SUMMARY: The USDA Forest Service will prepare an Environmental Impact Statement (EIS) for black-tailed prairie dog (*Cynomys ludovicianus*) conservation and management on the Nebraska National Forest and associated units (NNF). The proposed action will tier to the Final EIS for the 2002 Revised Nebraska National Forest Land and Resource Management Plan (LRMP). The proposed action will utilize and adaptive management strategy to guide implementation of current LRMP direction for black-tailed prairie dogs (hereafter referred to as prairie dog) and additional new direction for reducing unwanted prairie dog colonization on agricultural lands adjoining National Forest System (NFS) lands. The proposed action is consistent with the commitment to be a good neighbor while continuing to conserve prairie dog

and associated wildlife as prescribed in the LRMP. This action may require an amendment to the LRMP. The NNF includes the Buffalo Gap and Fort Pierre National Grasslands in South Dakota and the Oglala National Grassland, Nebraska National Forest and Samuel R. McKelvie National Forest in Nebraska.

DATES: Written comments must be received within 30 days after publication in the **Federal Register**. The Draft Environmental Impact Statement (DEIS) is expected January, 2005 and the Final Environmental Impact Statement (FEIS) is expected June, 2005.

ADDRESSES: Written comments on the proposed action must be sent to Donald J. Bright, Forest Supervisor, USDA Forest Service, 125 North Main, Chadron, Nebraska 69337.

FOR FURTHER INFORMATION CONTACT: William M. Perry, Team Leader, USDA Forest Service, at POB 425, Wall, South Dakota, or call (605) 279-2125.

SUPPLEMENTARY INFORMATION:

Purpose and Need for Action

The LRMP provides general guidance and direction for conserving and managing black-tailed prairie dogs on NFS lands. This guidance and direction addresses use of rodenticides, landownership adjustment, vegetation management, livestock grazing, prairie dog shooting/hunting, and other management options to either expand or limit growth of prairie dog populations and colonies on NFS lands. A guideline under animal damage management in the LRMP (p. 1-21) directs the Forest Service to consult statewide prairie dog management plans for additional guidance on the appropriate response to complaints of unwanted prairie dog colonization on adjacent agricultural lands. The Record of Decision (ROD) for the LRMP stated that the Forest Service intended to implement state-wide prairie dog management plans to the extent allowable by law and policy in providing direction for the control of unwanted prairie dog colonization on adjacent lands through a LRMP amendment, if necessary.

Since the July, 2002 ROD, several events have occurred that influence the management of prairie dogs and make this proposal timely:

1. In the August 12, 2004, **Federal Register**, the U.S. Fish and Wildlife Service (FWS) evaluated the black-tailed prairie dog for protection under the Endangered Species Act (ESA). FWS found that a proposed rule to list the black-tailed prairie dog is not warranted, and the black-tailed prairie dog is no longer considered a candidate species for listing.

2. The South Dakota prairie dog management plan is in the final stages of completion and awaiting approval. It is unlikely that the State of Nebraska will issue a statewide prairie dog management plan, at least in the foreseeable future.

3. Extended drought conditions have increased prairie dog colony expansion, prairie dog movement, and unwanted colonization of adjacent lands.

4. In response to lethal prairie dog control conducted by USDA Animal and Plant Health Inspection Service (APHIS) in the fall of 2004, several conservation organizations expressed concern over the effects of lethal prairie dog control on the Conata Basin black-footed ferret population and other associated wildlife.

Proposed Action

The Forest Service is proposing an adaptive management approach to guide implementation of current LRMP direction for prairie dogs and additional new direction for reducing unwanted prairie dog colonization on adjacent agricultural lands. This proposed action will apply to all NFS lands administered by NNF. This proposed action may require an amendment to the LRMP. This proposed action may adjust direction regarding the use of lethal and non-lethal control methods while continuing to make progress in meeting the conservation goals, objectives and direction in the LRMP for prairie dogs and associated wildlife. The Forest Service intends to develop criteria to determine when, where, and how adaptive management may be used.

Preliminary Issues

The Forest Service has considerable experience conserving and managing prairie dogs and related issues on NFS lands. As a minimum, the following issues are anticipated:

- Unwanted prairie dog colonization on adjacent lands and effects on landowners;
- Conservation of black-tailed prairie dogs, a management indicator species and Region 2 sensitive species;
- The importance of prairie dogs and these public lands, especially the Conata Basin/Badlands Ferret Reintroduction Area, to the recovery of the endangered black-footed ferret;
- Effects on other wildlife species associated with prairie dogs;
- Effects on livestock grazing permittees;
- Humane treatment of prairie dogs and other associated wildlife;
- Costs and effectiveness of management strategies.

Alternatives

Possible alternatives for the conservation and management of prairie dogs while reducing their movement from NFS lands and unwanted colonization of adjacent lands may include but are not limited to the following:

- Continue implementation of current LRMP direction for prairie dogs on a case-by-case basis. Only non-lethal strategies would be used in response to unwanted prairie dog colonization on adjacent agricultural lands (no action alternative);
- Continue implementation of current LRMP direction for prairie dogs and develop a LRMP amendment and implementation plan that are in full accordance with state prairie dog management plans or recommendations. This may require an amendment to the LRMP;
- Use an adaptive management strategy to guide implementation of prairie dog conservation and management direction in the current LRMP and additional new direction for reducing unwanted prairie dog colonization on adjacent agricultural lands. This will include appropriate management recommendations from the States of South Dakota and Nebraska, and this may require an amendment to the LRMP.

Responsible Official

Donald J. Bright, Forest Supervisor, USDA Forest Service, 125 North Main Street, Chadron, Nebraska 69337.

Nature of Decision To Be Made

The Draft Environmental Impact Statement (DEIS) is not a decision document. The purpose of the DEIS is to disclose the direct, indirect, and cumulative effects of a proposed action and other alternative actions that are analyzed. After allowing the public an opportunity to comment on the specific activities described in the alternatives, the Forest Service reviews the proposed action, other alternatives, and the environmental consequences in order to make the following decisions:

1. Determine whether an implementation plan is needed to guide management aimed at reducing conflicts resulting from prairie dog movement from NFS lands onto adjacent private lands;
2. If an implementation plan is needed, determine when, where, and how management tools will be applied and monitored;
3. Determine whether an amendment to the LRMP is needed to adjust the guidance for prairie dog management.

Scoping Process

The Forest Service will be consulting with federal, state, local agencies, tribes, and other individuals or organizations that may be interested in or affected by the proposal. Other federal and state agencies will have cooperating agency status.

Comment Requested

This notice of intent initiates the scoping process which guides the development of the environmental impact statement. Comments should focus on the nature of the action proposed and should be relevant to the decision under consideration. Comments received from the public will be evaluated for significant issues and used to assist in the development of additional alternatives.

Early Notice of Importance of Public Participation in Subsequent Environmental Review

A DEIS will be prepared for comment. The comment period on the draft environmental impact statement will be at least 45 days from the date the Environmental Protection Agency publishes the notice of availability in the **Federal Register**. The length of the comment period will be determined by the "significance" of a potential LRMP amendment. The purpose and need for the proposed action is to reduce prairie dog movement from NFS lands and unwanted colonization of adjacent lands. We believe that this issue can be addressed without deviating from the present goals and objectives in the LRMP.

The Forest Service believes, at this early stage, it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp. v. NRDC*, 435 U.S. 519, 553 (1978). Also, environmental objections that could be raised at the DEIS stage but that are not raised until after completion of the final environmental impact statement (FEIS) may be waived or dismissed by the courts. *City of Angoon v. Hodel*, 803 F.2d 1016, 1022 (9th Cir. 1986) and *Wisconsin Heritages, Inc. v. Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the comment period so that

substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the FEIS.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the DEIS should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the DEIS or the merits of the alternatives formulated and discussed in the statement. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

Comments received, including the names and addresses of those who comment, will be considered part of the public record on this proposal and will be available for public inspection.

(Authority: 40 CFR 1501.7 and 1508.22; Forest Service Handbook 1909.15, Section 21)

Dated: October 22, 2004.

Donald J. Bright,

Forest Supervisor, Nebraska National Forest.

[FR Doc. 04-24295 Filed 10-29-04; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF AGRICULTURE

Forest Service

Deschutes Provincial Advisory Committee (DPAC)

AGENCY: Forest Service.

ACTION: Notice of meeting.

SUMMARY: The Deschutes Advisory Committee will meet on November 9, 2004, starting at 9 a.m. at the Jefferson County Firehall on the corner of Adam and "J" Street in Madras, Oregon. Agenda items will include approval of this year's Northwest Forest Plan Monitoring report, Understanding Landscape Processes in Central Oregon, Local Community Protection Plans, B and B Project Update, and a discussion on upcoming topics and meeting dates. All Deschutes Province Advisory Committee Meetings are open to the public and an open public forum is scheduled from 2:30 to 3 p.m.

FOR FURTHER INFORMATION CONTACT:

Chris Mickle, Province Liaison, Deschutes NF, Crescent RD, P.O. Box

208, Crescent, OR 97754, phone (541) 433-3216.

Leslie A.C. Weldon,

Deschutes National Forest Supervisor.

[FR Doc. 04-24316 Filed 10-29-04; 8:45 am]

BILLING CODE 3410-11-P

DEPARTMENT OF AGRICULTURE

Forest Service

Fresno County Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Fresno County Resource Advisory Committee will meet in Prather, CA. The purpose of the meeting is to discuss and to recommend project proposals for FY2005 funds regarding the Secure Rural Schools and Community Self-Determination Act of 2000 (Pub. L. 106-393) for expenditure of Payments to States Fresno County title II funds.

DATES: The meeting will be held on December 14, 2004, from 6:30 p.m. to 9:30 p.m.

ADDRESSES: The meeting will be held at the Sierra National Forest, High Sierra Ranger District, 29688 Auberry Road, Prather, CA 93651. Send written comments to Robbin Ekman, Fresno County Resource Advisory Committee Coordinator, c/o Sierra National Forest, High Sierra Ranger District, 29688 Auberry Road, Prather, CA 93651 or electronically to rekman@fs.fed.us.

FOR FURTHER INFORMATION CONTACT: Robbin Ekman, Fresno County Resource Advisory Committee Coordinator, (559) 855-5355 ext. 3341.

SUPPLEMENTARY INFORMATION: The meeting is open to the public. Committee discussion is limited to Forest Service staff and Committee members. However, persons who wish to bring Payments to States Fresno County title II project matters to the attention of the Committee may file written statements with the Committee staff before or after the meeting.

Public sessions will be provided and individuals who made written requests by October 12, 2004 will have the opportunity to address the Committee at those sessions. Agenda items to be covered include: (1) Call for new projects; (2) report back from project recipients; (3) public comment.

Dated: October 26, 2004.

Ray Porter,

District Ranger.

[FR Doc. 04-24315 Filed 10-29-04; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF AGRICULTURE

Forest Service

Privacy Act of 1974; Abolish Obsolete Systems of Records

AGENCY: Forest Service, USDA.

ACTION: Notice of abolishment of records systems.

SUMMARY: A review of several Privacy Act Systems of Records has concluded that those systems are no longer in effect or are obsolete. Those systems are being abolished from the Forest Service Systems of Records in accordance with the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: This notice is effective on November 1, 2004.

ADDRESSES: For additional information contact Rita Morgan, Freedom of Information and Privacy Act Officer, SW., Mail Stop 1143, 1400 Independence Avenue, Washington, DC 20250-1143.

FOR FURTHER INFORMATION CONTACT: Rita Morgan, Freedom of Information and Privacy Act Officer, Telephone: (703) 605-4913.

SUPPLEMENTARY INFORMATION: The Privacy Act of 1974 (5 U.S.C. 552a), as amended, requires that each agency publish a notice of the existence and character of each new or altered "system of records." 5 U.S.C. 552a(a)(5). This notice identifies and abolishes the Forest Service's discontinued and obsolete systems of records. The Forest Service is abolishing the following 10 systems of records which, upon review, are no longer used or are not properly Privacy Act records, and are, therefore, obsolete: USDA/FS-01—Appeals and Administrative Reviews; USDA/FS-17—Mineral Operations; USDA/FS-18—Mineral Claimants; USDA/FS-20—Public Correspondence Concerning Timber Management; USDA/FS-21—Public Involvement Respondents on Forest Service Activities; USDA/FS-23 FILL IN NAME; USDA/FS-32—Professional Registration and Professional Society Affiliation, Engineering-Related Personnel-Eastern Region; USDA/FS-48—YCC Long-Term Benefit Evaluation; USDA/FS-49—International Skills Roster of Forestry and Natural Resources Expertise; USDA/FS-50—Skills Bank Data Base.

Dated: October 20, 2004.

Irving W. Thomas,

Associate Deputy Chief, OPS.

[FR Doc. 04-24298 Filed 10-29-04; 8:45 am]

BILLING CODE 3410-11-P

DEPARTMENT OF COMMERCE**Submission for OMB Review;
Comment Request**

DOC has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: U.S. Census Bureau.

Title: 2004–2006 Survey of Industrial Research & Development.

Form Number(s): RD–1, RD–1A.

Agency Approval Number: None.

Type of Request: New collection.

Burden: 93,500 hours.

Number of Respondents: 32,000.

Avg Hours Per Response: 3 hours.

Needs and Uses: The Census Bureau is requesting a new collection for the annual Survey of Industrial Research and Development (the Survey) that is conducted jointly by the U.S. Census Bureau and the National Science Foundation (NSF). Historically, the Survey approval request had been submitted by the NSF with the Census Bureau acting as the collection agent. Under a joint project agreement between NSF and the Census Bureau, the Census Bureau plans to assume responsibility for obtaining clearance of the Survey. The Survey was previously cleared under OMB control number 3145–0027.

The National Science Foundation Act of 1950, as amended, authorizes and directs NSF “* * * to provide a central clearinghouse for the collection, interpretation, and analysis of data on scientific and engineering resources and to provide a source of information for policy formulation by other agencies of the Federal government.” The Survey is the vehicle with which NSF carries out the industrial portion of this mandate. NSF together with the Census Bureau, the collecting and compiling agent, analyze the data and publish the resulting statistics.

Industry is the major performer of research and development (R&D) in the United States, spending over 70 percent of total U.S. R&D outlays each year. A consistent industrial R&D information base is essential to government officials formulating public policy, industry personnel involved in corporate planning, and members of the academic community conducting research. To develop policies designed to promote and enhance science and technology, past trends and the present status of R&D must be known and analyzed. Without comprehensive industrial R&D statistics, it would be impossible to evaluate the health of science and

technology in the United States or to make comparisons between the technological progress of our country and that of other nations.

Statistics from the Survey are published in NSF’s annual publication series, Research and Development in Industry, available via the Internet at <http://www.nsf.gov/sbe/srs/indus/start.htm>. Since 1953, this survey has provided continuity of statistics on R&D expenditures by major industry groups and by source of funds. Over the years, questions on a number of additional areas have been added to the Survey as the need for this R&D information became necessary for policy formulation and research.

Prior to the last request for OMB review, response to four questions (total net sales and total employment for the company; and the amount of Federal and total funds the company spent on R&D) was mandatory and fulfilled the Census Bureau’s data-collecting mandate in Title 13, U.S. Code, 131, 182, 224 and 225. The last request asked for authorization to increase the number of annual mandatory items from 4 to 5 by adding the item, cost of R&D performed within the company by state, to the list. Further, authorization to make the entire survey mandatory every five years to coincide with the Census Bureau’s Economic Census was requested and approved. The “all-mandatory” requirement was first applied for the 2002 cycle of the Survey.

The next economic census will be conducted for 2007 and authorization to apply the requirement will be requested again. In the meantime, response to other than the five mandatory items will remain voluntary for the three non-economic census years covered by this request.

In addition to burden hours sufficient to cover the normal operation of the survey, we are also requesting 5,000 hours annually to cover methodological and survey quality improvement efforts.

Policy officials from many Federal agencies rely on statistics from this survey for essential information. For example, total U.S. R&D expenditures statistics have been used by the Bureau of Economic Analysis (BEA) to update the System of National Accounts and, in fact, the first attempt by BEA to establish a separate R&D satellite account in the System is underway. Results from the Survey are needed to develop and subsequently update this detailed satellite account. Also, recently a new data linking project has begun that is designed to augment the Foreign Direct Investment (FDI) data collected by BEA. This project is the first to test

new data sharing legislation. The linking of the results of the 1997 cycle of the Survey with BEA’s 1997 FDI benchmark file is the first application of the recently enacted Confidential Information Protection and Statistical Efficiency Act (CIPSEA) that allows limited data sharing among selected Federal statistical agencies. Future FDI linkages are planned to begin with the 2002 Survey file. Further, the Census Bureau links data collected by the Survey with other statistical files. At the Census Bureau, historical company-level R&D data are linked to a file that contains information on the outputs and inputs of companies’ manufacturing plants. Researchers are able to analyze the relationships between R&D funding and other economic variables by using micro-level data.

Many individuals and organizations access the survey statistics via the Internet and hundreds have asked to have their names placed on the mailing list for a paper copy of the annual SRS InfoBrief that announces the availability of statistics from each cycle of the Survey. Information about the kinds of projects that rely on statistics from the Survey is available from internal records of NSF’s Division of Science Resources Statistics (SRS). In addition, survey statistics are regularly printed in trade publications and many researchers use the survey statistics from these secondary sources without directly contacting NSF or the Census Bureau.

Affected Public: Business or other for-profit.

Frequency: Annually.

Respondent’s Obligation: Voluntary and Mandatory.

Legal Authority: Title 13 U.S.C., Sections 131, 182, 224, and 225; The National Science Foundation Act of 1950.

OMB Desk Officer: Susan Schechter, (202) 395–5103.

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482–0266, Department of Commerce, room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at dhynek@doc.gov).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to Susan Schechter, OMB Desk Officer either by fax (202–395–7245) or e-mail (susan_schechter@omb.eop.gov).

Dated: October 26, 2004.

Madeleine Clayton,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 04-24291 Filed 10-29-04; 8:45 am]

BILLING CODE 3510-07-P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

DOC has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: U.S. Census Bureau.

Title: Government Employment Forms.

Form Number(s): E-1, E-2, E-3, E-4, E-5, E-6, E-7, E-9.

Agency Approval Number: 0607-0452.

Type of Request: Revision of a currently approved collection.

Burden: 14,124 hours.

Number of Respondents: 16,913.

Avg Hours Per Response: 50 minutes.

Needs and Uses: The Census Bureau requests continued OMB clearance for the questionnaires needed to conduct the public employment program for the 2005 and 2006 Annual Survey of Government Employment and the 2007 Census of Governments, Employment Phase.

Since there are many different types and sizes of governments, each form is tailored to the unique characteristics of the type and size of government or government agency to be surveyed. The type of employment and pay data collected by the public employment program in the 2005 and 2006 Annual Survey of Government Employment and the 2007 Census of Governments is identical to data collected in recent annual surveys of government employment.

By state, the 2005 and 2006 Employment sample supports estimates of total local government employment and payrolls by type of government and government function. The 2007 Census of Governments will collect data for all of the governments in our universe by type of government and by government function.

Statistics compiled from data gathered using these forms are used in several important Federal government programs. Economists at the Bureau of Economic Analysis (BEA) use the statistics in two ways for developing the National Income and Product Accounts. First, the employment data are used in

developing price deflators for the government sector components of the gross domestic product accounts. Secondly, the employment and payroll data are used in developing the government sector components for the national and sub-national personal income accounts and tables.

The Department of Housing and Urban Development (HUD) determines the allocation of operating subsidies to local housing authorities based on these survey data. The Bureau of Labor Statistics (BLS) used these data in its benchmarking procedures for state and local government components of the BLS monthly employment and earnings statistics.

The employment data are used for three other data collection efforts currently conducted by the Census Bureau. The Medical Expenditures Panel Survey (MEPS) collects data for the Department of Health and Human Services (HHS) on health plans offered to state and local government employees. The MEPS sample of public employees is drawn from the Census of Governments Employment file. The Criminal Justice Employment and Expenditure Survey (CJEE) and the Justice Assistance Data Survey (JADS) use employment data to provide employee and payroll statistics on police protection and correctional activities.

State and local government officials use these data to analyze and assess individual government labor force and wage levels. Both management and labor consult these data during wage and salary negotiations.

Public interest groups of many types produce analyses of public sector activities using these data. User organizations representing state and local government include the Council of State Governments, National Conference of State Legislatures, Government Research Association, Conference of Mayors, National Association of Counties, National League of Cities, and the International City/County Management Association. A third category, having a more specific focus on government activities, includes organizations such as the Tax Foundation, Michigan Taxpayers Association, National Sheriffs Association, and the Government Research Association.

A variety of other organizations and individuals make use of these data. Notable research organizations include the American Enterprise Institute, The Brookings Institution, the Rand Corporation, the Cato Institute, the Hudson Institute, and the Rockefeller Institute of Government. The

instructors, researchers, and students in schools of public administration, political science, management, and industrial relations as well as other members of the public also use these data.

Affected Public: Federal Government; State, Local or Tribal Government.

Frequency: Annually.

Respondent's Obligation: Voluntary.

Legal Authority: Title 13 U.S.C. 161 and 182.

OMB Desk Officer: Susan Schechter, (202) 395-5103.

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482-0266, Department of Commerce, room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at dhynek@doc.gov).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to Susan Schechter, OMB Desk Officer either by fax (202-395-7245) or e-mail (susan_schechter@omb.eop.gov).

Dated: October 26, 2004.

Madeleine Clayton,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 04-24292 Filed 10-29-04; 8:45 am]

BILLING CODE 3510-07-P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

DOC has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: U.S. Census Bureau.

Title: 2004-2006 Company Organization Survey.

Form Number(s): NC-99001, NC-99007.

Agency Approval Number: 0607-0444.

Type of Request: Revision of a currently approved collection.

Burden: 135,917 hours.

Number of Respondents: 65,000.

Avg. Hours Per Response: NC-99001—2 hours and 26 minutes; NC-99007—12 minutes.

Needs and Uses: The Census Bureau is requesting a revision of the currently approved Company Organization Survey (COS) data collection for the survey years 2004-2006. In addition to mailing form NC-99001 to

approximately 55,000 multi-establishment companies, we will mail form NC-99007 to approximately 10,000 single-location companies asking for their establishment breakouts.

COS inquiries to each of the 55,000 multi-establishment enterprises will include questions on ownership or control by a domestic parent, ownership or control by a foreign parent, and ownership of foreign affiliates. Additional COS inquiries will apply to approximately 1.2 million establishments operated by these 55,000 enterprises. These additional inquiries will list an inventory of establishments and request updates to the inventory, including additions, deletions, and changes to Federal Employer Identification number, name and address, and industrial classification. Further, the additional inquiries will collect the following basic operating data for each listed establishment: End-of-year operating status, mid-March employment, first quarter payroll, and annual payroll.

In addition to the 55,000 multi-establishment enterprises, the COS will include up to 10,000 single-location business entities that may have added some locations.

The information collected by the COS is used to maintain and update the BR. The BR serves two fundamental purposes:

First and most important, it provides sampling populations and enumeration lists for the Census Bureau's economic surveys and censuses, and it serves as an integral part of the statistical foundation underlying those programs. Essential for this purpose is the BR's ability to identify all known United States business establishments and their parent companies. Further, the BR must accurately record basic business attributes needed to control sampling and enumeration. These attributes include industrial and geographic classifications, measures of size and economic activity, ownership characteristics, and contact information (for example, name and address).

Second, it provides establishment data that serve as the basis for the annual County Business Patterns (CBP) statistical series. The CBP reports present data on number of establishments, first quarter payroll, annual payroll, and mid-March employment summarized by industry and employment size class for the United States, the District of Columbia, Puerto Rico, counties, and county-equivalents. No other annual or more frequent series of industry statistics provides comparable detail, particularly for small geographic areas.

Affected Public: Business or other for-profit; Not-for-profit institutions; Farms; State, Local or Tribal Government.

Frequency: Annually.

Respondent's Obligation: Mandatory.

Legal Authority: Title 13 U.S.C., Sections 182, 195, 224, and 225.

OMB Desk Officer: Susan Schechter, (202) 395-5103.

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482-0266, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at dhynek@doc.gov).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to Susan Schechter, OMB Desk Officer either by fax (202-395-7245) or e-mail (susan_schechter@omb.eop.gov).

Dated: October 26, 2004.

Madeleine Clayton,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 04-24293 Filed 10-29-04; 8:45 am]

BILLING CODE 3510-07-P

DEPARTMENT OF COMMERCE

[I.D. 102704B]

Submission for OMB Review; Comment Request

The Department of Commerce has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: NOAA Satellite Ground Station Customer Questionnaire.

Form Number(s): None.

OMB Approval Number: 0648-0227.

Type of Request: Regular submission.

Burden Hours: 25.

Number of Respondents: 300.

Average Hours Per Response: 5 minutes.

Needs and Uses: NOAA asks people who operate ground receiving stations that receive data from NOAA satellites to complete a questionnaire about the types of data received, its use, the equipment involved, and similar subjects. The data obtained are used by NOAA for short-term operations and long-term planning.

Affected Public: Individuals or households; Business or other for-profit

organizations; Not-for-profit institutions; Farms; Federal Government; State, Local or Tribal Government.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: David Rostker, (202) 395-3897.

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482-0266, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW, Washington, DC 20230 (or via the Internet at dHynek@doc.gov).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to David Rostker, OMB Desk Officer, FAX number (202) 395-7285, or David_Rostker@omb.eop.gov.

Dated: October 25, 2004.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 04-24345 Filed 10-29-04; 8:45 am]

BILLING CODE 3510-HR-S

DEPARTMENT OF COMMERCE

Census Bureau

2005 National Census Test

ACTION: Proposed collection; comment request.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Pub. L. 104-13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before January 3, 2005.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at DHynek@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Edison Gore, U.S. Census Bureau, Building 2, Room 2012, Washington, DC 20233-9200, (301) 763-3998.

SUPPLEMENTARY INFORMATION:

I. Abstract

The 2005 National Census Test (NCT) is part of the research and development cycle leading up to the re-engineered 2010 Census. The NCT will help the U.S. Census Bureau achieve one of its Strategic Goals—developing a census that is cost-effective, improves coverage, and reduces operational risk.

The Objectives of the 2005 NCT include studying methods for:

- Improving completeness and accuracy of reporting for short form items.
- Reducing respondent and data capture errors.
- Making questionnaires more respondent friendly.
- Improving coverage accuracy.
- Improving the operational feasibility of a targeted mailing for replacement questionnaires.
- Improving self-response and maintaining data quality by mailing bilingual questionnaires.

In conjunction with the 2005 NCT, the Census Bureau will conduct the 2005 Coverage Followup (CFU) operation. This operation is a continuation of the research and testing program begun in 2002 that is intended to develop and evaluate new procedures to improve coverage and reduce duplication. The CFU operation will collect data to evaluate the different versions of the coverage questions and different presentations of the residence rules instructions (*See Definition of Terms*). A separate **Federal Register** notice will be submitted for this operation.

Components of the Test

A. Control

The Control questionnaire will include short-form topics from the Census 2000 questionnaire. The standard mailing strategy will be used for both the initial and replacement Control questionnaires. All wording changes in the control questionnaire that are different from the Census 2000 questionnaire reflect refinements based on the 2004 Census Test questionnaire. The short form questions included in the Control questionnaire are currently considered to be the “best” version of each question. Our objective is to determine whether the experimental panels’ question wording can improve the item response and data completeness over the control panel questions.

The control questionnaire will use the Residence Rules Instructions (*See Definition of Terms*) tested in the Alternative Questionnaire Experiment (AQE) 2000 (*See Definition of Terms*).

This design will serve as the control for some of the experimental treatments because the results of tests conducted during Census 2000 indicated that the residence rules instructions used in the AQE questionnaire yielded better quality data than did the Census 2000 questionnaire residence rules instructions. The changes in format, presentation, and wording of the residence rules instructions used in the AQE resulted in a significantly higher response to the household count question (an important indicator of missing data and a flag for large household followup). In addition, the AQE questionnaire also produced better data for Hispanics who were likely to be left off census forms.

The Control Component includes four Self Response Option (SRO) treatments, each using the same form, content and initial questionnaire mailing strategy. Previous tests have shown that sending non-respondents a replacement questionnaire significantly increases response rates. We will employ four variations of the traditional replacement mailing strategy.

- Two treatments are planned to test the operational feasibility of two different replacement questionnaire-packaging strategies. Since the questionnaires designed to be included in these treatments may also “look” different, we also need to evaluate the response to them.

- A third treatment is planned to test the effect of providing a letter encouraging respondents to send in their original questionnaire or respond via the Internet. Households in this panel will not receive a replacement questionnaire.

- The fourth treatment is planned to test whether using messaging on the replacement questionnaire (that distinguishes it from the initial questionnaire) will increase response rates as well as reduce response duplication. This treatment is intended to create a clear differentiation between the replacement questionnaire and the original in order to make it easier for respondents to understand the intent of the replacement questionnaire.

The questionnaires for the Control component and the four (SRO) treatments share the same design and mailing strategy for the initial questionnaire. Consequently, we will be able to compare the results from the Control questionnaire with the results from the initial questionnaires in the SOR treatments. Doing so will give us a much larger sample for comparisons.

B. Hispanic Origin/Race

For the 2005 NCT, we plan to test modifications of the questions on race and Hispanic origin that are consistent with the 1997 Office of Management and Budget (OMB) Directive 15 (*i.e.*, test a question on race that includes only the five minimum OMB race categories—*See Definition of Terms*). The version of the question chosen for future testing must produce data that is comparable in quality or better than the data produced by the Census 2000 questions.

The Hispanic origin and race component of the 2005 NCT is intended to evaluate the following elements: question design, the use of examples, revised wording of the questions and instructions, and a tribal enrollment question.

Question Design

We plan to test two fundamentally different designs—the traditional Hispanic origin and race design and a new design that includes shortened questions on Hispanic origin and race combined with a third question on ancestry. The shortened design includes only the five minimum OMB race categories and eliminates all write-ins. The Hispanic origin question component will consist of a yes/no option with no write-in option. The ancestry question component will include write-in lines that are intended to permit respondents to provide detailed information on their ancestry or country of origin.

Examples

We need to determine how useful it is to include examples of the OMB race categories to help respondents understand the intent of the design that includes the shortened questions. Consequently we plan to test this design with and without examples. We are currently conducting cognitive tests in order to select the most promising sets of examples for the 2005 NCT. We will choose the examples that yield the highest quality data for use in the 2008 Dress Rehearsal.

Secondly, based on the results of past censuses, we know that the specific examples used in the ancestry question can affect reporting. Since the detailed Hispanic origin (*e.g.*, Mexican) and race information (*e.g.*, Japanese) only will be collected in the ancestry question, we intend to evaluate the effect of using two different sets of examples on the reporting of detailed ancestry groups in that question.

Wording and Instructions

We plan to test the effect of changing the word order of the Hispanic origin

item so that it reads, "Is this person of Hispanic, Latino, or of Spanish origin?" (Census 2000 order: "Spanish, Hispanic, Latino"). The instruction for the Hispanic origin item will reflect the OMB definition of Hispanic origin (*See* Definition of Terms) rather than relying on examples to communicate the intent of the question.

In addition, we plan to test revisions to the "MARK ONE OR MORE" instruction in order to make it more user-friendly, and we plan to test the effectiveness of the revised note that is intended to encourage respondents to answer both of the traditionally formulated race and Hispanic origin questions. The note is intended to reduce the number of Hispanics who report "Some other race". The final wording of the question will be determined by cognitive testing that is currently underway.

Tribal Enrollment

The 2005 NCT plans to test a tribal enrollment question to attempt to determine what proportion of those who report a tribe are enrolled. We are currently conducting cognitive testing to determine the final wording of the question. We plan to evaluate the quality of tribal enrollment data.

C. Tenure and Other Population Questions

Tenure

We plan to test the following elements in the Tenure (own or rent) and other population questions: dropping the reference to "cash" rent, adding an instruction to improve the reporting of home equity loans, and a version that combines both treatments.

We intend to test the effect of eliminating the term "cash" from the tenure question, since the traditional formulation of the question has been criticized as not accurately depicting how rent is actually paid (*e.g.*, by check). We plan to compare missing item data rates for the test questions to those for the Census 2000 question in order to determine the effect of eliminating the term.

Since we are not sure whether respondents understand that home equity loans are liens against the home, we also plan to test an instruction asking respondents who own their own homes whether they have a mortgage or loan, including home equity loans. We plan to evaluate the resulting owner distribution (owned free and clear vs. owned with a mortgage or loan). We plan to evaluate both variables in order to choose the version of the question

that yields the highest quality data for use in future tests.

Age

In Census 2000, many respondents incorrectly reported the age of babies under one year of age. The 2005 NCT will test an instruction in the Age question to help respondents correctly determine the age of babies who are less than one year old. We also plan to reverse the order of the Age and Date of Birth questions to make them consistent with electronic modes such as the Internet.

Modified Categories in the Relationship Question

We plan to test the effect on response distributions of replacing "Foster Child" with "Foster child or foster adult". Cognitive tests indicate that respondents understand the phrase "foster adult" and do not consider it to be offensive.

We plan to test the effect on data quality of replacing "Natural-born son/daughter" with "Biological son/daughter" [used in the Survey of Income and Program Participation]. Adoptive parents have received the term "Natural-born" unfavorably.

D. Residence Rules Instructions and Coverage Questions

Improving the accuracy of census coverage is one of the major goals of reengineering the 2010 Decennial Census Program. As a result of the Census 2000 Testing, Evaluation, and Experimentation Program and the Coverage Measurement Program, we implemented a research and development program to investigate ways of improving our coverage of persons and housing units in preparation for the 2010 Census. The 2005 NCT is part of this effort. Specific areas that we intend to evaluate in the 2005 NCT include improving within-household coverage and revising residence rules instructions so that they are clear and unambiguous to the respondent.

The panels in this section of the 2005 NCT are planned to evaluate the main effects and anticipated interactions of the residence rules instructions (*See* Definition of Terms) and two versions of the 2004 Census Test coverage questions.

The Control for this section of the 2005 NCT is the experimental roster tested in the AQE in the 2000 Census. This design was chosen as the control because it out-performed the Census 2000 residence rules instructions in two ways: It had significantly lower item nonresponse, and, in low coverage areas, the rate at which Hispanics were

not included on the AQE questionnaire was significantly lower than for the Census 2000 questionnaire.

The following are the features of the residence rules instructions that will be evaluated:

- Content, order, and wording of cues and bullets in the include/exclude lists (*See* Definition of Terms).
- List order.
- Presentation of the basic "usual residence" concept.
- Approach to structuring the residence rules instructions (for example, using an alternative approach that eliminates the include/exclude lists and relies instead on explaining the basic concept behind the lists).

The Coverage Followup (CFU) operation will evaluate the effects of the alternative residence rules instructions on gross coverage errors.

The Census Bureau is currently conducting cognitive tests using four versions of the 2004 Census Test undercount question (Question 2) and overcount question (Question 10). The versions of the questions that produce the best results will be chosen for use in the 2005 NCT. The experimental treatments are intended to isolate some of the individual effects of each version of the coverage questions by crossing them with the different residence rules instructions. We plan to evaluate the coverage questions' efficacy in flagging potential omissions or erroneous enumerations by implementing the CFU operation.

E. Respondent-Friendly Design

The questionnaire for this panel will have design changes intended to make it easier to use. The changes that this questionnaire will test include:

- Color as a navigational tool.
- Lightly embedded text that describes what should be entered in response boxes.
- Consistent formats between check boxes and write-in answer fields (for example, all answer fields will be outlined with a strong black line). Using consistent formats for all answer fields is intended to help respondents identify all fields where a response is required.

F. Language

The 2005 NCT will include a bilingual English/Spanish questionnaire panel in an effort to improve self-response in the growing number of households in which Spanish is a primary language. We plan to implement an English/Spanish questionnaire mailout treatment that is intended to evaluate the effect of a bilingual questionnaire on response rates, public reaction, and data quality.

G. Internet Option

All respondents (including those in the Language panel) will have the opportunity to respond via the Internet, but while the general content of the Internet questionnaire will be the same as other test questionnaires, it is not planned to mirror the exact wording of any one specific paper questionnaire. Instead, the Internet Questionnaire will be designed using questions from several of the 2005 NCT questionnaires and rewording the questions to reflect the wording that works best for this response mode.

Respondents who ask to respond via the Internet (including those in the language panel) will be randomly assigned to answer either a person-based or a topic-based format. In the person-based approach, responses for all items (e.g., name, date of birth, gender, race) are collected for one household member (person), after which the same questions are repeated for each successive household member. In the topic-based approach, responses for a given topic/item (e.g., age) are collected for all persons in the household, after which responses for the next topic/item (e.g., date of birth) are collected. This process continues for each successive topic/item. We will evaluate the quality of Internet data collected using these two design treatments.

II. Method of Collection

In late August, we will mail an advance letter to a national sample of about 420,000 households. This letter will explain why we are conducting the mandatory 2005 NCT. The letter also will assure respondents that their answers are confidential. We will inform them of the measures we take to keep their personal information secure. The 2005 NCT questionnaires will be mailed approximately a week later. Respondents will be asked to mail back their completed questionnaires or respond via the Internet by Census Day (September 15, 2005). Early in September, we will send reminder/thank you postcards thanking those who have already responded and asking non-respondents to send in their questionnaires or reply via the Internet. As part of the Census Bureau's efforts to improve response rates and contain costs, most nonrespondents will receive replacement questionnaires a few days after Census Day. Households assigned to the panel for which the experimental treatment consists of a letter in lieu of a replacement questionnaire will not receive the second questionnaire.

The Coverage Followup (CFU) operation is scheduled to begin in December. The CFU operation will obtain additional information by telephone from a sample of respondents in order to evaluate the residence rules instructions and coverage questions. Approximately six months after Census Day, we will begin formal evaluations of population and housing content, coverage, language, race and ethnicity, and self-response options.

Definition of Terms

Alternative Questionnaire Experiment—The 2000 AQE incorporated three separate experiments, one involving census long forms and the other two involving short forms, with different objectives. This experiment was conducted during Census 2000 under census conditions. Consequently, we were able to compare the effectiveness of the AQE questionnaire designs with the Census 2000 questionnaires.

All three experiments tested combinations or "packages" of design features, rather than testing each design change separately in a controlled fashion that would permit inferences about their individual effects. Thus, firm conclusions only were drawn about the combined effect of multiple design features. This is an important limitation of all three experiments. The three experiments were:

- 1.1 Experiment A: Effects of Altering the Design of Branching Instructions on Navigational Performance.
- 1.2 Experiment B: An Experiment to Improve Coverage Through Revised Roster Instructions.
- 1.3 Experiment C: Questionnaire Effects on Reporting of Race and Hispanic Origin: Results of a Replication of the 1990 Mail Short Form in Census 2000.

The report describing the experiment is located at the following address: <http://www.census.gov/pred/www/rpts/TR17.pdf>.

Include/exclude List—The list of the people the respondent should include in the household count and those who should be left out because they should not be counted or will be counted elsewhere.

Office of Management and Budget (OMB) definition of Hispanic origin—A person of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin, regardless of race.

Office of Management and Budget (OMB) race categories—American

Indian or Alaska Native, Asian, Black or African American, Native Hawaiian or Other Pacific Islander, and White.

Residence Rules Instructions—Instructions that respondents use to determine who should be counted in that household. They are meant to insure that everyone is counted once and in the right place for the primary purposes of apportionment and redistricting.

III. Data

OMB Number: None.

Form Number: DC-1A through DC-1X (2005 Census Test questionnaires).

Type of Review: Regular.

Affected Public: Individuals or households.

Estimated Number of Respondents: Approximately 420,000 households.

Estimated Time Per Response: 10 minutes.

Estimated Total Annual Burden Hours: 70,000.

Estimated Total Annual Cost: There is no cost to respondents except for their time to respond.

Respondent's Obligation: Mandatory.

Legal Authority: Title 13 of the United States Code, sections 141 and 193.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: October 26, 2004.

Madeleine Clayton,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 04-24294 Filed 10-29-04; 8:45 am]

BILLING CODE 3510-07-P

DEPARTMENT OF COMMERCE**Bureau of Industry and Security****Information Systems Technical Advisory Committee; Notice of Partially Closed Meeting**

The Information Systems Technical Advisory Committee (ISTAC) will meet on November 17 and 18, 2004, 9 a.m., in the Herbert C. Hoover Building, Room 3884, 14th Street between Pennsylvania Avenue and Constitution Avenue, NW., Washington, DC. The Committee advises the Office of the Assistant Secretary for Export Administration on technical questions that affect the level of export controls applicable to information systems equipment and technology.

November 17*Public Session*

1. Opening remarks and introductions.
2. Comments or presentations by the public.
3. Update on Bureau of Industry and Security programs and activities.
4. Discussion on current state of encryption technology.
5. Presentation on Dynamic Adaptive Routing.
6. Presentation on Radio Frequency/Microwave devices.
7. Discussion on deemed export and microprocessor controls.
8. Discussion on plans for Fiscal Year 2005.

November 17–18*Closed Session*

9. Discussion of matters determined to be exempt from the provisions relating

to public meetings found in 5 U.S.C. app. 2 sections 10(a)(1) and 10(a)(3).

A limited number of seats will be available for the public session. Reservations are not accepted. To the extent time permits, members of the public may present oral statements to the Committee. The public may submit written statements at any time before or after the meeting. However, to facilitate distribution of public presentation materials to Committee members, the Committee suggests that public presentation materials or comments be forwarded before the meeting to Ms. Lee Ann Carpenter at Lcarpent@bis.doc.gov.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on October 18, 2004, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. app. 2 section 10(d)), that the portion of the meeting dealing with trade secrets and commercial or financial information deemed privileged or confidential as described in 5 U.S.C. 552b(c)(4) and the portion of the meeting dealing with matters the disclosure of which would be likely to frustrate significantly implementation of an agency action as described in 5 U.S.C. 552b(c)(9)(B) shall be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 sections 10(a)(1) and 120(a)(3).

The remaining portions of the meeting will be open to the public. For more information, call Lee Ann Carpenter at (202) 482–2583.

Dated: October 27, 2004.

Lee Ann Carpenter,
Committee Liaison Officer.

[FR Doc. 04–24338 Filed 10–29–04; 8:45 am]

BILLING CODE 3510–JT–M

DEPARTMENT OF COMMERCE**International Trade Administration****Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review**

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of opportunity to request administrative review of antidumping or countervailing duty order, finding, or suspended investigation.

Background

Each year during the anniversary month of the publication of an antidumping or countervailing duty order, finding, or suspension of investigation, an interested party, as defined in section 771(9) of the Tariff Act of 1930, as amended, may request, in accordance with section 351.213 (2002) of the Department of Commerce (the Department) Regulations, that the Department conduct an administrative review of that antidumping or countervailing duty order, finding, or suspended investigation.

Opportunity to Request a Review: Not later than the last day of November 2004, interested parties may request administrative review of the following orders, findings, or suspended investigations, with anniversary dates in November for the following periods:

	Periods
Antidumping Duty Proceedings	
Argentina: Barbed Wire & Barbless Fencing Wire, A–357–405	11/1/03–10/31/04
Brazil: Circular Welded Non-Alloy Steel Pipe, A–351–809	11/1/03–10/31/04
Hungary: Sulfanilic Acid, A–437–804	11/1/03–10/31/04
Kazakhstan: Certain Hot-Rolled Carbon Steel Flat Products, A–834–806	11/1/03–10/31/04
Mexico: Circular Welded Non-Alloy Steel Pipe, A–201–805	11/1/03–10/31/04
Netherlands: Certain Hot-Rolled Carbon Steel Flat Products, A–421–807	11/1/03–10/31/04
Portugal: Sulfanilic Acid, A–471–806	11/1/03–10/31/04
Republic of Korea: Circular Welded Non-Alloy Steel Pipe, A–580–809	11/1/03–10/31/04
Romania: Certain Hot-Rolled Carbon Steel Flat Products, A–485–806	11/1/03–10/31/04
Taiwan:	
Certain Hot-Rolled Carbon Steel Flat Products, A–583–835	11/1/03–10/31/04
Circular Welded Non-Alloy Steel Pipe, A–583–814	11/1/03–10/31/04
Thailand: Certain Hot-Rolled Carbon Steel Flat Products, A–549–817	11/1/03–10/31/04
The People's Republic of China:	
Certain Hot-Rolled Carbon Steel Flat Products, A–570–865	11/1/03–10/31/04
Certain Cut-to-Length Carbon Steel, A–570–849	11/3/03–10/31/04
Fresh Garlic, A–570–831	11/1/03–10/31/04
Paper Clips, A–570–826	11/1/03–10/31/04
Pure Magnesium in Granular Form, A–570–864	11/1/03–10/31/04
Refined Brown Aluminum Oxide, A–570–882	5/6/03–10/31/04
Certain Hot-Rolled Carbon Steel Flat Products, A–823–811	11/1/03–10/31/04

	Periods
Countervailing Duty Proceedings	
Hungary: Sulfanilic Acid, C-437-805	1/1/03-12/31/03
Suspension Agreements	
Ukraine: Certain Cut-to-Length Carbon Steel, A-823-808	11/1/03-10/31/04

In accordance with section 351.213(b) of the regulations, an interested party as defined by section 771(9) of the Act may request in writing that the Secretary conduct an administrative review. For both antidumping and countervailing duty reviews, the interested party must specify the individual producers or exporters covered by an antidumping finding or an antidumping or countervailing duty order or suspension agreement for which it is requesting a review, and the requesting party must state why it desires the Secretary to review those particular producers or exporters. If the interested party intends for the Secretary to review sales of merchandise by an exporter (or a producer if that producer also exports merchandise from other suppliers) which were produced in more than one country of origin and each country of origin is subject to a separate order, then the interested party must state specifically, on an order-by-order basis, which exporter(s) the request is intended to cover.

As explained in *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 69 FR 23954 (May 6, 2003), the Department has clarified its practice with respect to the collection of final antidumping duties on imports of merchandise where intermediate firms are involved. The public should be aware of this clarification in determining whether to request an administrative review of merchandise subject to antidumping findings and orders. See also the Import Administration Web site at <http://www.ia.ita.doc.gov>.

Six copies of the request should be submitted to the Assistant Secretary for Import Administration, International Trade Administration, Room 1870, U.S. Department of Commerce, 14th Street & Constitution Avenue, NW., Washington, DC 20230. The Department also asks parties to serve a copy of their requests to the Office of Antidumping/Countervailing Enforcement, Attention: Sheila Forbes, in room 3065 of the main Commerce Building. Further, in accordance with section 351.303(f)(1)(i) of the regulations, a copy of each request must be served on every party on the Department's service list.

The Department will publish in the **Federal Register** a notice of "Initiation

of Administrative Review of Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation" for requests received by the last day of November 2004. If the Department does not receive, by the last day of November 2004, a request for review of entries covered by an order, finding, or suspended investigation listed in this notice and for the period identified above, the Department will instruct the Customs Service to assess antidumping or countervailing duties on those entries at a rate equal to the cash deposit of (or bond for) estimated antidumping or countervailing duties required on those entries at the time of entry, or withdrawal from warehouse, for consumption and to continue to collect the cash deposit previously ordered.

This notice is not required by statute but is published as a service to the international trading community.

Dated: October 19, 2004.

Holly A. Kuga,

Senior Office Director, Office 4 for Import Administration.

[FR Doc. E4-2956 Filed 10-29-04; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-475-703]

Granular Polytetrafluoroethylene From Italy: Notice of Rescission of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: November 1, 2004.

SUMMARY: On September 22, 2004, the Department of Commerce (the Department) published in the **Federal Register** a notice announcing the initiation of an administrative review of the antidumping duty order on granular polytetrafluoroethylene from Italy, covering the period August 1, 2003, through July 31, 2004. See *Notice of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part*, 69 FR 56745 (September 22, 2004) (*Initiation Notice*).

The review was requested by Solvay Solexis America Inc. and Solvay Solexis, Inc. (collectively Solvay), an Italian producer of the subject merchandise under review and its United States subsidiary. We are now rescinding this review as a result of Solvay's withdrawal of its request for an administrative review.

FOR FURTHER INFORMATION CONTACT:

Constance Handley or David Neubacher, at (202) 482-0631 or (202) 482-5823, respectively, AD/CVD Operations Office 1, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue, NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

In accordance with 19 CFR 351.213(b), on June 30, 2004, Solvay requested an administrative review of the antidumping duty order on granular polytetrafluoroethylene from Italy. On September 22, 2004, in accordance with 19 CFR 351.221(c)(1)(i), we published the initiation of an administrative review of this order for the period August 1, 2003, through July 31, 2004. See *Initiation Notice*. On October 14, 2004, Solvay timely withdrew its request for an administrative review of granular polytetrafluoroethylene from Italy.

Rescission of Review

The Department's regulations at 19 CFR 351.213(d)(1) provide that the Department will rescind an administrative review if the party that requested the review withdraws its request for review within 90 days of the date of publication of the notice of initiation of the requested review, or withdraws its request at a later date if the Department determines that it is reasonable to extend the time limit for withdrawing the request. Solvay withdrew its request within the 90-day period and was the only party to request this review. Accordingly, we are rescinding this review. The Department will issue appropriate assessment instructions to U.S. Customs and Border Protection within 15 days of publication of this notice.

This notice serves as a reminder to parties subject to administrative protective order (APO) of their

responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

This notice is issued and published in accordance with 19 CFR 351.213(d)(4) and section 777(i)(1) of the Tariff Act of 1930, as amended.

Dated: October 26, 2004.

Jeffrey May,

Deputy Assistant Secretary for Import Administration.

[FR Doc. E4-2955 Filed 10-29-04; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-501]

Natural Bristle Paintbrushes and Brush Heads from the People's Republic of China: Notice of Final Rescission of Antidumping Duty New Shipper Review of Shanghai R&R Import/Export Co., Ltd.

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: On September 30, 2003 the Department of Commerce (Department) initiated a new shipper review of Shanghai R&R Import/Export Co., Ltd. (Shanghai R&R), under the antidumping duty order on natural bristle paintbrushes and brush heads from the People's Republic of China (PRC) covering the period February 1, 2003, through July 31, 2003. *See Natural Bristle Paintbrushes and Brush Heads from the People's Republic of China: Initiation of Antidumping Duty New Shipper Reviews*, 68 FR 57875 (October 7, 2003) (*Initiation Notice*). On August 3, 2004, the Department issued its preliminary intent to rescind the new shipper review. *See Natural Bristle Paintbrushes and Brush Heads from the People's Republic of China: Preliminary Determination to Rescind the Antidumping New Shipper Review of Shanghai R&R Import/Export Co., Ltd.*, 69 FR 46508 (August 3, 2004) (*Preliminary Rescission Notice*). The Department is now rescinding this new shipper review. *See* "Rescission of Review" section below.

EFFECTIVE DATE: November 1, 2004.

FOR FURTHER INFORMATION CONTACT:

Scott Lindsay or Dana Mermelstein at

(202) 482-0780 or (202) 482-1391, respectively, Office of AD/CVD Enforcement VI, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

Since the Department published its preliminary determination to rescind this new shipper review, the following events have occurred. On September 7, 2004, Shanghai R&R filed a case brief. On September 9, 2004, the Department issued its verification report on the factors of production from Zhejiang Linan Maxiao Brush Factory. *See Memorandum For the File: Antidumping New Shipper Review of Natural Bristle Paintbrushes and Brush Heads from the People's Republic of China (PRC) (A-570-501): Factors Verification Report for Shanghai R&R Import/Export Co., Ltd at Zhejiang Linan Maxiao Brush Factory.* On September 17, 2004, Shanghai R&R filed comments on the Department's producer verification report. No other briefs were filed. A public hearing was held on September 28, 2004.

Scope of the Antidumping Duty Order

The products covered by this order are natural bristle paint brushes and brush heads from the PRC. Excluded from the scope are paint brushes and brush heads with a blend of 40% natural bristles and 60% synthetic filaments. The merchandise under review is currently classifiable under item 9603.40.40.40 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheading is provided for convenience and customs purposes, the Department's written description of the merchandise is dispositive.

Rescission of Review

Pursuant to sections 351.214(b)(2)(iv)(B-C) of the Department's regulations, a request for a new shipper review must contain documentation which establishes the volume of the exporter's first and subsequent shipments of subject merchandise to the United States and the date of the exporter's first sale of subject merchandise to an unaffiliated customer in the United States. At the time Shanghai R&R requested this new shipper review, it appeared that the regulatory requirements were met and we initiated the new shipper review. *See Initiation Notice.* At verification, the Department found documentation which brings into question that this sale

was, in fact, made to the importer identified in Shanghai R&R's initial request for review and in all subsequent questionnaire responses. Shanghai R&R's explanation, that mistakes were made in identifying the importer in certain sales and accounting records, do not persuade us to find that the importer documented in the initial request was correctly identified. Moreover, the discrepancies between Shanghai R&R's submissions and the documents reviewed at verification undermined the accuracy and completeness of Shanghai R&R's claim that it made an entry and a sale to an unaffiliated customer in the United States. Therefore, we have determined that we cannot rely on the commercial documents submitted to the Department in Shanghai R&R's request for new shipper review, and find that our initiation of this new shipper review was based on documents that failed to establish the date of the first sale to an unaffiliated customer in the United States. We have considered the arguments made by Shanghai R&R, based on the information in the record; however, Shanghai R&R's arguments do not overcome our intent to rescind. Accordingly, we are rescinding this new shipper review pursuant to section 351.214(b)(2)(iv)(C) of the Department's regulations.

All issues raised in the case briefs by parties to this proceeding and to which we have responded are listed in the Appendix to this notice and are addressed in the *Issues and Decision Memorandum for the Final Rescission of the New Shipper Review of Natural Bristle Paintbrushes and Brush Heads from The People's Republic of China*, dated October 25, 2004, which is adopted by this notice. Parties can find a complete discussion of the issues raised in this new shipper review and the corresponding recommendations in this public memorandum, which is on file in the Central Records Unit, room B-099 of the main Commerce Building. In addition, a complete version of the Decision Memorandum can be accessed directly on the Web at <http://ia.ita.doc.gov/frn/index.html>. The paper copy and electronic version of the Decision Memorandum are identical in content. Since the Department is rescinding the new shipper review, we are not calculating a company-specific rate for Shanghai R&R.

Cash Deposit Requirements

The Department will notify Customs and Border Protection (CBP) that bonding is no longer permitted to fulfill security requirements for shipments from Shanghai R&R of natural bristle paintbrushes and brush heads from the

PRC entered, or withdrawn from warehouse, for consumption in the United States on or after the publication of this notice of rescission of antidumping duty new shipper review in the **Federal Register**. Further, effective upon publication of this notice for all shipments of the subject merchandise exported by Shanghai R&R, and entered, or withdrawn from warehouse, for consumption, the cash deposit rate will be the PRC-wide rate of 351.92 percent *ad valorem*.

Assessment of Antidumping Duties

The Department will instruct CBP to assess antidumping duties on all appropriate entries. Since we are rescinding this antidumping duty new shipper review with respect to Shanghai R&R, the PRC-wide rate of 351.92 percent in effect at the time of entry applies to all exports of natural bristle paintbrushes and brush heads from the PRC by Shanghai R&R entered, or withdrawn from warehouse for consumption during the period of review (February 1, 2003, through July 31, 2003). The Department will issue appropriate assessment instructions directly to CBP within 15 days of publication of this notice of rescission of antidumping duty new shipper review.

Notification to Importers

This notice also serves as a reminder to importers of their responsibility under section 351.402(f) of the Department's regulations to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This notice also serves as a reminder to parties subject to administrative protective orders (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with section 351.305(a)(3) of the Department's regulations. Timely written notification of the return/destruction of APO material or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanctions.

We are issuing and publishing this determination and notice in accordance with sections 751(a)(2)(B) and 777(i)(1) of the Tariff Act of 1930, as amended.

Dated: October 25, 2004.

James J. Jochum,

Assistant Secretary for Import Administration.

Appendix Issues in the Decision Memorandum

Comments

1. Whether Shanghai R&R met the requirements for a new shipper review;
2. The bona fides of Shanghai R&R's sale and the use of adverse facts available.

[FR Doc. E4-2957 Filed 10-29-04; 8:45 am]

BILLING CODE 3510-DS-S

DEPARTMENT OF COMMERCE

International Trade Administration

A-570-504

Petroleum Wax Candles from the People's Republic of China: Notice of Final Rescission of Antidumping Duty New Shipper Review of Shanghai R&R Import/Export Co., Ltd.

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: On September 30, 2003 the Department of Commerce (the Department) initiated a new shipper review of Shanghai R&R Import/Export Co., Ltd (Shanghai R&R) under the antidumping duty order on petroleum wax candles from the People's Republic of China (PRC) covering the period August 1, 2002, through July 31, 2003. *See Petroleum Wax Candles from the People's Republic of China: Initiation of Antidumping Duty New Shipper Reviews*, 68 FR 57876 (October 7, 2003) (*Initiation Notice*). On July 26, 2004, the Department issued its preliminary intent to rescind the new shipper review. *See Petroleum Wax Candles From the People's Republic of China: Preliminary Intent to Rescind the Antidumping New Shipper Review of Shanghai R&R Import/Export Co., Ltd.*, 68 FR 46509 (August 3, 2004) (*Preliminary Rescission Notice*). The Department is now rescinding this new shipper review. *See* "Rescission of Review" section below.

EFFECTIVE DATE: November 1, 2004.

FOR FURTHER INFORMATION CONTACT: Scott Lindsay or Dana Mermelstein at (202) 482-0780 and (202) 482-1391, Office of AD/CVD Enforcement VI, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

Since the Department published its preliminary determination to rescind this new shipper review, the following events have occurred. On September 7, 2004, Shanghai R&R and the National Candle Association (petitioner) filed case briefs. On September 9, 2004, the Department issued its verification report on the factors of production from Qingyuan County Artistic Craft and Candle Factory. *See Memorandum For the File: Antidumping New Shipper Review of Petroleum Wax Candles from the People's Republic of China (PRC) (A-570-504): Factors Verification Report for Shanghai R&R Import/Export Co., Ltd at Qingyuan County Artistic Craft and Candle Factory*. On September 14, 2004, Shanghai R&R and the petitioners filed rebuttal briefs. On September 14, 2004 the petitioner and Shanghai R&R filed comments on the Factors Verification Report. On September 17, 2004, the petitioner filed a rebuttal brief. A public hearing was held on September 28, 2004.

Scope of the Antidumping Duty Order

The products covered by this order are certain scented or unscented petroleum wax candles made from petroleum wax and having fiber or paper-cored wicks. They are sold in the following shapes: tapers, spirals, and straight-sided dinner candles; rounds, columns, pillars, votives; and various wax-filled containers. The products were classified under the Tariff Schedules of the United States (TSUS) item 755.25, Candles and Tapers. The products are currently classified under the Harmonized Tariff Schedule of the United States (HTSUS) item 3406.00.00. Although the HTSUS subheading is provided for convenience and customs purposes, our written description of the scope of this proceeding remains dispositive.

Rescission of Review

Pursuant to sections 351.214(b)(2)(iv) of the Department's regulations, a request for a new shipper review must contain documentation which establishes the volume of the exporter's first and subsequent shipments of subject merchandise to the United States and the date of the exporter's first sale of subject merchandise to an unaffiliated customer in the United States. At the time Shanghai R&R requested this new shipper review, it appeared that the regulatory requirements were met and we initiated the new shipper review. *See Initiation Notice*. At verification, the Department found documentation which brings into

question that this sale was, in fact, made to the importer identified in Shanghai R&R's initial request for review and in all subsequent questionnaire responses. Shanghai R&R's explanation that mistakes were made in identifying the importer in certain sales and accounting records does not persuade us to find that the importer documented in the initial request was correctly identified. As such, we find that our initiation of this new shipper review was based on documents that failed to establish the date of the first sale to an unaffiliated customer in the United States. Therefore, pursuant to section 351.214(b)(2)(iv)(c) of the Department's regulations, the requirements for initiation have not been satisfied, and thus we have determined to rescind this new shipper review for Shanghai R&R.

All issues raised in the case briefs by parties to this proceeding and to which we have responded are listed in the Appendix to this notice and are addressed in the *Issues and Decision Memorandum for the Final Results and Rescission of the New Shipper Review of Petroleum Wax Candles from the People's Republic of China*, dated October 25, 2004, which is adopted by this notice. Parties can find a complete discussion of the issues raised in this new shipper review and the corresponding recommendations in this public memorandum, which is on file in the Central Records Unit, room B-099 of the main Commerce Building. In addition, a complete version of the Decision Memorandum can be accessed directly on the Web at <http://ia.ita.doc.gov/frn/index.html>. The paper copy and electronic version of the Decision Memorandum are identical in content. Since the Department is rescinding the new shipper review, we are not calculating a company-specific rate for Shanghai R&R.

Cash Deposit Requirements

The Department will notify Customs and Border Protection (CBP) that bonding is no longer permitted to fulfill security requirements for shipments from Shanghai R&R of petroleum wax candles from the PRC entered, or withdrawn from warehouse, for consumption in the United States on or after the publication of this notice of rescission of antidumping duty new shipper review in the **Federal Register**. Further, effective upon publication of this notice for all shipments of the subject merchandise exported by Shanghai R&R, and entered, or withdrawn from warehouse, for consumption, the cash deposit rate will be the PRC-wide rate of 108.30 percent *ad valorem*.

Assessment of Antidumping Duties

The Department will instruct CBP to assess antidumping duties on all appropriate entries. Since we are rescinding this antidumping duty new shipper review with respect to Shanghai R&R, the PRC-wide rate of 108.30 percent in effect at the time of entry applies to all exports of petroleum wax candles from the PRC by Shanghai R&R entered, or withdrawn from warehouse for consumption during the period of review (August 1, 2002, through July 31, 2003). The Department will issue appropriate assessment instructions directly to CBP within 15 days of publication of this notice of rescission of antidumping duty new shipper review.

Notification to Importers

This notice also serves as a reminder to importers of their responsibility under section 351.402(f) of the Department's regulations to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This notice also serves as a reminder to parties subject to administrative protective orders (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with section 351.305(a)(3) of the Department's regulations. Timely written notification of the return/destruction of APO material or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation, which is subject to sanctions.

We are issuing and publishing this determination and notice in accordance with sections 751(a)(2)(B) and 777(i)(1) of the Tariff Act of 1930, as amended.

Dated: October 25, 2004.

James J. Jochum,
Assistant Secretary for Import Administration.

Appendix--Issues in the Decision Memorandum

Comments

1. Whether Shanghai R&R met the requirements for a new shipper review;
2. The bona fides of Shanghai R&R's sale and use of adverse facts available;
3. Shanghai R&R's producer's eligibility as a new shipper;

4. Whether the factors of production information supplied by the producer is based on production during the POR.

[FR Doc. E4-2959 Filed 10-29-04; 8:45 am]

BILLING CODE 3510-DS-S

DEPARTMENT OF COMMERCE

International Trade Administration

[A-583-833]

Certain Polyester Staple Fiber From Taiwan: Rescission of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: In response to requests from interested parties, the Department of Commerce initiated an administrative review of the antidumping duty order on certain polyester staple fiber in Taiwan. Based on withdrawal of requests for review from interested parties, we are rescinding the administrative review.

EFFECTIVE DATE: November 1, 2004.

FOR FURTHER INFORMATION CONTACT: Scott Holland, AD/CVD Operations, Office 1, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington D.C. 20230; telephone (202) 482-1279.

SUPPLEMENTARY INFORMATION:

Background

On May 25, 2000, the Department of Commerce ("the Department") published an antidumping duty order on certain polyester staple fiber from Taiwan. *Notice of Amended Final Determination of Sales at Less Than Fair Value: Certain Polyester Staple Fiber From the Republic of Korea and Antidumping Duty Orders: Certain Polyester Staple Fiber From the Republic of Korea and Taiwan*, 65 FR 33807 (May 25, 2000).

On May 3, 2004, the Department published a notice in the **Federal Register** of the opportunity for interested parties to request an administrative review of the antidumping duty order on certain polyester staple fiber from Taiwan. See *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review*, 69 FR 24117 (May 3, 2004).

On May 28, 2004, Far Eastern Textile, Ltd. ("FETL"), a producer/exporter of certain polyester staple fiber in Taiwan, and Fibertex Corporation ("Fibertex"), a

U.S. importer of the merchandise subject to review, jointly requested an administrative review of the antidumping duty order on certain polyester staple fiber from Taiwan covering the period May 1, 2003, through April 30, 2004. In accordance with 19 CFR 351.221(c)(1)(i), we published the initiation of the review on June 30, 2004. See *Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part*, 69 FR 39409 (June 30, 2004). On September 28, 2004, FETL and Fibertex withdrew their requests for review.

Rescission of Antidumping Administrative Review

In accordance with 19 CFR 351.213(d)(1), the Department will rescind an administrative review if a party that requested the review withdraws the request within 90 days of the date of publication of the notice of initiation of the requested review. The Department may extend this time limit if it decides it is reasonable to do so. Because FETL and Fibertex filed timely requests for withdrawal of this administrative review by the mandatory deadline *i.e.*, September 28, 2004, we are hereby rescinding this administrative review.

Assessment

The Department will instruct U.S. Customs and Border Protection ("CBP") to assess antidumping duties on all appropriate entries. For the companies for which this review is rescinded, antidumping duties shall be assessed at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i).

The Department will issue appropriate assessment instructions directly to CBP within 15 days of publication of this notice.

Notification to Importers

This notice serves as a reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

Notification Regarding APOs

This notice also serves as a reminder to parties subject to administrative protective orders ("APOs") of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305, which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

This notice is issued and published in accordance with section 777(i) of the Act, and 19 CFR 351.213(d)(4).

Dated: October 26, 2004.

Jeffrey A. May,

Deputy Assistant Secretary for Import Administration.

[FR Doc. E4-2952 Filed 10-29-04 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-851]

Certain Preserved Mushrooms From the People's Republic of China: Final Results of the Seventh Antidumping Duty New Shipper Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.
SUMMARY: On July 28, 2004, the Department of Commerce ("the Department") published the preliminary results of the seventh new shipper review of the antidumping duty order on certain preserved mushrooms from the People's Republic of China ("PRC"). See *Certain Preserved Mushrooms from the People's Republic of China: Preliminary Results of the Seventh New Shipper Review*, 69 FR 45012 (July 28, 2004) ("Preliminary Results"). This review examined one exporter Guangxi Hengxian Pro-Light Foods, Inc. ("Guangxi Hengxian"), which the Department found qualified for a separate rate. The period of review ("POR") is February 1, 2003, through July 31, 2003. We gave interested parties the opportunity to comment on our preliminary results.

Based on the comments received from the interested parties, we have made changes in the margin calculation for the respondent in this review (see section entitled "Changes Since the Preliminary Results" below for details).

However, these changes did not impact the overall weighted-average margin calculated in the preliminary results. The final weighted-average dumping margin for the reviewed firm is listed below in the section entitled "Final Results of Review."

EFFECTIVE DATE: November 1, 2004.

FOR FURTHER INFORMATION CONTACT:

Brian C. Smith, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-1766.

SUPPLEMENTARY INFORMATION:

Background

On July 29, 2004, the Department published in the **Federal Register** the *Preliminary Results* (see 69 FR 45012). On September 1, 2004, the petitioner¹ filed its case brief. On September 8, 2004, Guangxi Hengxian submitted its rebuttal brief.

Scope of Order

The products covered by this order are certain preserved mushrooms whether imported whole, sliced, diced, or as stems and pieces. The preserved mushrooms covered under this order are the species *Agaricus bisporus* and *Agaricus bitorquis*. "Preserved mushrooms" refer to mushrooms that have been prepared or preserved by cleaning, blanching, and sometimes slicing or cutting. These mushrooms are then packed and heated in containers including, but not limited to, cans or glass jars in a suitable liquid medium, including, but not limited to, water, brine, butter or butter sauce. Preserved mushrooms may be imported whole, sliced, diced, or as stems and pieces. Included within the scope of this order are "brined" mushrooms, which are presalted and packed in a heavy salt solution to provisionally preserve them for further processing.

Excluded from the scope of this order are the following: (1) All other species of mushroom, including straw mushrooms; (2) all fresh and chilled mushrooms, including "refrigerated" or "quick blanched mushrooms"; (3) dried mushrooms; (4) frozen mushrooms; and (5) "marinated," "acidified" or "pickled" mushrooms, which are prepared or preserved by means of

¹ The petitioner is the Coalition for Fair Preserved Mushroom Trade, which includes the American Mushroom Institute and the following domestic companies: L.K. Bowman, Inc., Modern Mushroom Farms, Inc., Monterey Mushrooms, Inc., Mount Laurel Canning Corp., Mushrooms Canning Company, Southwood Farms, Sunny Dell Foods, Inc., and United Canning Corp.

vinegar or acetic acid, but may contain oil or other additives.²

The merchandise subject to this order is currently classifiable under subheadings: 2003.10.0127, 2003.10.0131, 2003.10.0137, 2003.10.0143, 2003.10.0147, 2003.10.0153 and 0711.51.0000 of the Harmonized Tariff Schedule of the United States ("HTSUS"). Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this order is dispositive.

Analysis of Comments Received

All issues raised in the case brief are addressed in the Issues and Decision Memorandum (*Decision Memo*), which is hereby adopted by this notice. A list of the issues raised, all of which are in the *Decision Memo*, is attached to this notice as an Appendix. Parties can find a complete discussion of all issues raised in the case brief and the corresponding recommendations in this public memorandum which is on file in the Central Records Unit, room B-099 of the main Department building. In addition, a complete version of the *Decision Memo* can be accessed directly on the Web at <http://ia.ita.doc.gov/frn>. The paper copy and electronic version of the *Decision Memo* are identical in content.

Changes Since the Preliminary Results

Based on the comments received from the interested parties, we have made changes in the margin calculation for Guangxi Hengxian as noted below. For a discussion of these changes, see the "Margin Calculations" section of the *Decision Memo*.

In the *Preliminary Results*, we included a surrogate cost amount for leasing land in the total cost of manufacture based on the assumption that the 2002–2003 financial reports of the two surrogate Indian producers (*i.e.*, Agro Dutch Foods Ltd. ("Agro Dutch") and Flex Foods Ltd. ("Flex Foods")) which we used to derive our surrogate financial ratios did not include this expense. However, after further considering this same issue in a recently completed administrative review, where we used the same financial data to

derive surrogate financial ratios, we concluded that the 2002–2003 financial reports of Agro Dutch and Flex Foods should include any and/or all additional costs associated with producing fresh mushrooms (*i.e.*, land lease costs and/or mushroom shed usage) even if these Indian producers do not in fact own the land used to grow fresh mushrooms. (See *Certain Preserved Mushrooms from the People's Republic of China: Final Results of Sixth Antidumping Duty New Shipper Review and Final Results and Partial Rescission of the Fourth Antidumping Duty Administrative Review*, 69 FR 54635 (September 9, 2004) and its accompanying Issues and Decision Memorandum at Comment 3) ("PRC Mushrooms 4th AR/6th NSR"). In *PRC Mushrooms 4th AR/6th NSR*, we found that the land lease expense was included in the financial data of the Indian surrogate producers that we used to derive surrogate financial ratios and, as such, it was inappropriate to separately value the cost of the land lease. Therefore, in order to avoid double-counting in the final results of this new shipper review, we have removed the surrogate value amount for land lease from the total cost of manufacturing.

In the *Preliminary Results*, we included in the selling, general, and administrative expense ("SG&A") calculation the expenses noted in line item 4 of Schedule 15 of Agro Dutch's 2002–2003 financial report (*i.e.*, "selling expenses—customs duties and others"). However, after further considering this same issue in *PRC Mushrooms 4th AR/6th NSR*, where we used the same financial data of Agro Dutch in our SG&A calculation, we concluded that the above-mentioned line item included customs duties, antidumping duty deposits and assessments paid by Agro Dutch, and/or freight/movement expenses because the context in which these expenses were reported in Agro Dutch's financial report sufficiently identified them as non-selling expenses (see *PRC Mushrooms 4th AR/6th NSR at Comment 9*). Therefore, in the final results of this review, we have also removed from the calculation of Agro Dutch's SG&A percentage the expenses included in the above-mentioned line item because these expenses are associated with customs duties and/or freight/movement expenses and, therefore, should not be considered as selling expenses.

We corrected the surrogate value for citric acid based on publicly available information submitted in the petitioner's March 3, 2004, publicly available information submission.

We corrected Guangxi Hengxian's per-unit consumption factor for coal and the distances reported for salt and tape based on the Department's verification findings.

We corrected a calculation error by including the total surrogate cost for tin cans and tin lids in Guangxi Hengxian's total material costs.

Final Results of Review

We determine that the following weighted-average margin percentage exists for the company listed below during the period February 1, 2003, through July 31, 2003:

Respondent	Margin Percent
Guangxi Hengxian Pro-Light Foods, Inc. (Producer and Exporter)	0.00

Assessment Rates

The Department shall determine, and U.S. Customs and Border Protection ("CBP") shall assess, antidumping duties on all appropriate entries. Pursuant to 19 CFR 351.212(b)(1), we calculated importer- or customer-specific *ad valorem* duty assessment rates based on the ratio of the total amount of the dumping margins calculated for the examined sales to the total entered value of those same sales. In accordance with 19 CFR 351.106(c)(2), we will instruct CBP to liquidate without regard to antidumping duties all entries of subject merchandise during the POR for which the importer- or customer-specific assessment rate is zero or *de minimis* (*i.e.*, less than 0.50 percent). The Department will issue appropriate assessment instructions directly to CBP within 15 days of publication of the final results of this review.

Cash Deposit Requirements

Bonding will no longer be permitted to fulfill security requirements for shipments of certain preserved mushrooms from the PRC that are manufactured and exported by Guangxi Hengxian and entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this new shipper review.

The following cash deposit requirements will be effective upon publication of the final results of this review for all shipments of subject merchandise from Guangxi Hengxian entered, or withdrawn from warehouse, for consumption on or after the publication date of this final results, as provided by section 751(a)(2)(B) and (C) of the Act: (1) The cash deposit rate for

² On June 19, 2000, the Department affirmed that "marinated," "acidified," or "pickled" mushrooms containing less than 0.5 percent acetic acid are within the scope of the antidumping duty order. See "Recommendation Memorandum-Final Ruling of Request by Tak Fat, *et al.* for Exclusion of Certain Marinated, Acidified Mushrooms from the Scope of the Antidumping Duty Order on Certain Preserved Mushrooms from the People's Republic of China," dated June 19, 2000, on file with the Department of Commerce in Room B-009. This decision is currently on appeal.

subject merchandise manufactured and exported by Guangxi Hengxian will be zero; (2) the cash deposit rate for subject merchandise exported by Guangxi Hengxian but not manufactured by it will continue to be the PRC-wide rate (i.e., 198.63 percent); and (3) the cash deposit rate for subject merchandise manufactured by Guangxi Hengxian but not exported by it will be the rate applied to the exporter.

These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

This notice also serves as the only reminder to parties subject to administrative protective orders ("APO") of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

We are issuing and publishing this determination and notice in accordance with sections 751(a)(2)(B) and 777(i) of the Act and 19 CFR 351.214.

Dated: October 25, 2004.

Joseph A. Spetrini,
Acting Assistant Secretary for Import Administration.

Appendix--Issues in Decision Memo Comments

Issue 1: Surrogate Value for Tin Cans and Tin Lids

Issue 2: Distance for Tin Cans

Issue 3: Miscellaneous Corrections

[FR Doc. E4-2958 Filed 10-29-04; 8:45 am]

BILLING CODE 3510-DS-S

DEPARTMENT OF COMMERCE

International Trade Administration

[A-489-501]

Certain Welded Carbon Steel Pipe and Tube From Turkey: Extension of Time Limit for Preliminary Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of extension of time limit for preliminary results of antidumping duty administrative review.

EFFECTIVE DATE: November 1, 2004.

FOR FURTHER INFORMATION CONTACT: Martin Claessens or Jim Terpstra at (202) 482-5451 or (202) 482-3965, respectively, AD/CVD Operations, Office 3, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Time Limits

Section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act), requires the Department to issue the preliminary results of a review within 245 days after the last day of the anniversary month of an order/finding for which a review is requested and the final results within 120 days after the date on which the preliminary results are published. However, if it is not practicable to complete the review within that time period, section 751(a)(3)(A) of the Act allows the Department to extend the time limit for the preliminary results to a maximum of 365 days and for the final results to 180 days (or 300 days if the Department does not extend the time limit for the preliminary results) from the date of the publication of the preliminary results.

Background

On June 30, 2004, the Department initiated an administrative review of the antidumping duty order on certain welded carbon steel pipe and tube from Turkey. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part*, 69 FR 39409. The preliminary results are currently due no later than January 31, 2005.

Extension of Time Limit for Preliminary Results of Review

This administrative review covers a large group of production facilities and involves complex issues related to

production costs and different types of transactions involving the sale of welded carbon steel pipe and tube. In addition, because this administrative review involves two affiliated companies that the Department has not previously reviewed, the Department must analyze large amounts of data to which it has not had access before now. Therefore, the Department is extending the time limit for completion of the preliminary results to May 31, 2005. This extension is in accordance with section 751(a)(3)(A) of the Act.

Dated: October 26, 2004.

Jeffrey A. May,
Deputy Assistant Secretary for Import Administration.

[FR Doc. E4-2954 Filed 10-29-04; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[C-122-839]

Certain Softwood Lumber Products From Canada: Extension of Time Limit for the Preliminary Results of Countervailing Duty New Shipper Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of extension of time limit for preliminary results of countervailing duty new shipper review.

EFFECTIVE DATE: November 1, 2004.

FOR FURTHER INFORMATION CONTACT: Kristen Johnson, AD/CVD Operations, Office III, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482-4793.

Background

On July 8, 2004, the Department of Commerce (the Department) initiated a new shipper review relating to the countervailing duty order on certain softwood lumber products from Canada, covering the period January 1, 2003, through December 31, 2003. *See Certain Softwood Lumber From Canada: Notice of Initiation of Antidumping Duty New Shipper Review for the Period May 1, 2003, through April 30, 2004, and Notice of Initiation of Countervailing Duty New Shipper Review for the Period January 1, 2003, through December 31, 2003*, July 8, 2004 (69 FR 41229).¹ The

¹ Seed Timber's antidumping new shipper review was subsequently rescinded as a result of the

respondent in this review is Seed Timber Co., Ltd. (Seed Timber). The current deadline for the preliminary results is December 27, 2004.

Statutory Time Limits

Section 751(a)(2)(B)(iv) of the Tariff Act of 1930, as amended (the Act), requires the Department to make a preliminary determination within 180 days after the date on which the new shipper review was initiated. However, when the Department determines a case is extraordinarily complicated such that it cannot complete the review within this time period, section 751(a)(2)(B)(iv) of the Act and section 351.214(i)(2) of the Department's regulations allow the Department to extend the time limit for the preliminary determination from 180 days to 300 days.

Extension of Time Limit for Preliminary Results of Review

We determine that this case is extraordinarily complicated given the number of programs to be analyzed. Specifically, in this review, we are examining 12 different federal/provincial programs. As a consequence of the large number of programs being reviewed and the fact that Seed Timber is a *pro se* respondent, we have granted the company a number of extensions to respond to the Department's information requests. Thus, in accordance with the statutory and regulatory authority cited above, we are extending the deadline for issuing the preliminary results of this new shipper review by 120 days to no later than April 26, 2005. We plan to issue the final results within 90 days after the date the preliminary results are issued.

Dated: October 26, 2004.

Jeffrey A. May,

Deputy Assistant Secretary for Import Administration.

[FR Doc. E4-2953 Filed 10-29-04; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

Export Trade Certificate of Review

ACTION: Notice of Issuance of an Export Trade Certificate of Review, Application No. 04-00002.

SUMMARY: The Department of Commerce has issued an Export Trade Certificate of Review to the Export Trade Association of the Americas ("ETAA"). This notice

summarizes the conduct for which certification has been granted.

FOR FURTHER INFORMATION CONTACT:

Jeffrey Anspacher, Director, Export Trading Company Affairs, International Trade Administration, by telephone at (202) 482-5131 (this is not a toll-free number), or by E-mail at oezca@ita.doc.gov.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4011-21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. The regulations implementing Title III are found at 15 CFR Part 325 (2004).

Export Trading Company Affairs is issuing this notice pursuant to 15 CFR 325.6(b), which requires the Department of Commerce to publish a summary of the Certification in the **Federal Register**. Under Section 305(a) of the Act and 15 CFR 325.11(a), any person aggrieved by the Secretary's determination may, within 30 days of the date of this notice, bring an action in any appropriate district court of the United States to set aside the determination on the ground that the determination is erroneous.

Description of Certified Conduct

I. Export Trade

A. Products

Fresh tree fruits, primarily apples.

B. Technology Rights

Technology Rights, including, but not limited to, patents, trademarks, copyrights and trade secrets owned and/or controlled by ETAA and Members that relate to Products.

C. Export Trade Facilitation Services (as They Relate to the Export of Products, and Technology Rights)

All export trade-related services, including, but not limited to, professional services and assistance relating to: government relations; state and federal export programs; foreign trade and business protocol; consulting; international market research and analysis; collection of information on trade opportunities; marketing; negotiations; joint ventures; brokering; handling; export management; export licensing; patent and trademark licensing; common marking and identification; advertising and sales promotion; communication and processing of foreign orders to and for Members; trade documentation and services related to compliance with customs requirements; insurance and financing; trade show exhibitions; organizational development; management and labor strategies;

transfer of technology; transportation services, including shipping and warehousing; the formation of shippers' associations; legal assistance; foreign exchange and taking title to goods.

II. Export Markets

The Export Markets include all parts of the world except the United States (the fifty states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands).

III. Members (Within the Meaning of Section 325.2(l) of the Regulations)

E. W. Brandt & Sons, Inc., Wapato, Washington; and ETAA Distributing, LLC, Wapato, Washington.

IV. Export Trade Activities and Methods of Operation

With respect to the export sale of fresh tree fruits, the licensing of Technology Rights, and the provision of Export Trade Facilitation Services, ETAA and/or one or more Members may:

1. Participate in negotiations and enter into agreements with foreign buyers (including governments and private persons) regarding:
 - (a) The quantities, time periods, prices, and terms and conditions, in connection with actual or potential bona fide export opportunities;
 - (b) non-tariff trade barriers in the Export Markets; and
 - (c) the sale, license and/or use of Technology Rights relating to the Products.
2. Advise and cooperate with the United States and foreign governments in:
 - (a) Establishing procedures pertaining to the regulating of the export of the Member's Products. For example: Quantity standards, marketing orders, and the imposition and lifting of tariffs; and
 - (b) Fulfilling the phytosanitary, quality and/or funding requirements pertaining to the export of the Member's Products. For example: Tariffs, weighing fees and inspections imposed by foreign governments.
3. Allocate export sales among Members in connection with actual or potential bona fide export opportunities.
4. Agree on quantities of Products to be sold.
5. Allocate geographic areas or countries in Export Markets and/or customers in Export Markets among Members.

6. Conduct marketing, promotion and distribution of fresh tree fruits in Export Markets.

7. Conduct quality control studies and inspections of goods for export at point of shipment, point of arrival, and through the retail level in Export Markets.

8. Negotiate and enter into agreements, whether or not exclusive, with providers of Export Trade Facilitation Services for the export of Products.

9. Establish and operate fumigation facilities and administer phytosanitary protocols to qualify the Products for Export Markets.

10. Operate foreign offices and companies to facilitate the sale and distribution of fresh tree fruits in Export Markets.

11. Recover administrative expenses and costs through fees and assessments allocated to each Member on a *pro rata* share basis or any other non-discriminatory method. Any Member objecting to the method of allocating expenses and costs will be charged based on actual expenses incurred.

12. Products to be exported will be primarily supplied by the ETAA and Members, with instances of Products supplied from non-Member entities. For example: To fill export sales orders, contracts and spot sales, as required.

13. ETAA and Members may exchange and discuss information on the following:

(a) Information about sales and marketing efforts for the Export Markets, activities and opportunities for sales of fresh tree fruits in the Export Markets, selling strategies for the Export Markets, sales for the Export Markets, contract and spot pricing in the Export Markets, projected demands in Export Markets for fresh tree fruits, customary terms of sale in the Export Markets, prices and availability of fresh tree fruits from competitors for sale in the Export Markets, and specifications for fresh tree fruits by customers in the Export Markets;

(b) Information about the export price, quality, quantity, source, and delivery dates of fresh tree fruits available from the Members to export;

(c) Information about terms and conditions of contracts for sale in the Export Markets to be considered and/or bid on by ETAA and Members;

(d) Information about joint bidding or selling arrangements for the Export Markets and allocations of sales resulting from such arrangements among the Members;

(e) Information about expenses specific to exporting to and within the Export Markets, including without

limitation, transportation, trans- or intermodal shipments, insurance, inland freights to port, port storage, commissions, export sales, documentation, financing, customs duties and taxes;

(f) Information about United States and foreign legislation and regulations, including Federal marketing order programs that may affect sales for the Export Markets;

(g) Information about ETAA or Members' export operations, including without limitation, sales and distribution networks established by ETAA or Members in the Export Markets, and prior export sales by Members (including export price information);

(h) Exchange information with and among the Members as necessary to carry out the Export Trade Facilitation Services, Export Trade Activities and Methods of Operation; and

(i) Information about export customer credit terms and credit history.

A copy of this certificate will be kept in the International Trade Administration's Freedom of Information Records Inspection Facility, Room 4001, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

Dated: October 26, 2004.

Jeffrey Anspacher,

Director, Export Trading Company Affairs.

[FR Doc. E4-2943 Filed 10-29-04; 8:45 am]

BILLING CODE 3510-DR-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

National Estuarine Research Reserve System

AGENCY: Office of Ocean and Coastal Resource Management (OCRM), National Ocean Service (NOS), National Oceanic and Atmospheric Administration, Department of Commerce.

ACTION: Notice of intent to prepare a draft environmental impact statement. Notice of public meetings in Austin, Port Aransas, and Rockport, Texas to conduct public scoping meetings on the proposed Texas National Estuarine Research Reserve System to solicit comments on significant issues related to the preparation of a Draft Environmental Impact Statement/Draft Management Plan (DEIS/DMP). The DEIS/DMP will address research, education and stewardship needs of the proposed reserve.

SUMMARY: In accordance with section 315 of the Coastal Zone Management Act of 1972, as amended, the State of Texas and the National Oceanic and Atmospheric Administration (NOAA) intend to conduct public scoping meetings on November 16, 2004 in Austin, Texas and on November 17, 2004 in Port Aransas and Rockport, Texas as part of NOAA's Draft Environmental Impact Statement/Draft Management Plan (DEIS/DMP) process to solicit comments for preparation of a DEIS/DMP.

DATES AND ADDRESSES: Tuesday, November 16, 2004 at 10 am, Hearing Room E2.014 in the Capitol Extension, Texas State Capitol, 1400 Congress Ave., Austin, TX 78701. (A visitor parking garage is located at 12th Street and San Jacinto Boulevard.)

Wednesday, November 17, 2004 at 9 am, Auditorium in Visitors Center, University of Texas Marine Science Institute, 750 Channel View Dr., Port Aransas, TX 78373. (Parking is available at Marine Science Institute Visitor Center.)

Wednesday, November 17, 2004 at 4 pm, Saltwater Pavilion, 810 Seabreeze Drive, Rockport Beach Park, Rockport, TX 78383. (Parking is available at Rockport Beach Park.)

SUPPLEMENTARY INFORMATION: The decision to be made by NOAA is whether or not to designate the proposed Texas reserve. University of Texas Marine Science Institute (UTMSI) and NOAA are working to determine what the boundaries of the reserve will be, how the reserve will be managed, and the policies of the proposed reserve. These decisions will be made through the analysis process and spelled out in the reserve management plan.

The Mission-Aransas Estuary constitutes a relatively intact and minimally disturbed area, and is an excellent representative of the Western Gulf of Mexico with a high diversity of habitat types. The proposed site also has unique geologic and hydrological features that will attract a broad range of research interests from multiple scientific disciplines. Beginning in 2001, the State of Texas undertook a site selection process to determine appropriate areas of the Texas coast that might be nominated for inclusion in the National Estuarine Research Reserve (NERR) System. The extensive site selection process generated advice from public and private experts in estuarine science and input from the public.

In March of 2004 the State of Texas nominated the Mission-Aransas Estuary for consideration as the Texas NERR. In September of 2004 NOAA approved the

site nomination document for the proposed Texas reserve and began working with UTMSI to develop a management plan and environmental impact statement for the proposed reserve.

The Texas NERR is proposed to be administered by the UTMSI in cooperation with partner landholders including the Texas General Land Office, Texas Parks and Wildlife Department, U.S. Fish and Wildlife Service, Coastal Bend Land Trust, Fennessey Ranch, and The Nature Conservancy. UTMSI has developed an outline of a preliminary draft management plan. The outline specifies specific needs and priorities related to research, education and stewardship. At the public meetings, UTMSI and NOAA will provide a synopsis of the process for developing a DEIS/DMP and will solicit comments on significant environmental issues that will be incorporated into a DEIS.

Interested parties who wish to submit suggestions or comments regarding the scope or content of the proposed DEIS/DMP are invited to attend any of the above meetings.

FOR FURTHER INFORMATION CONTACT: Paul Montagna, University of Texas at Austin Marine Science Institute at (361) 749-6779 or paul@utmsi.utexas.edu, or Laurie McGilvray, Chief, Estuarine Reserves Division, Office of Ocean and Coastal Resource Management, National Ocean Service, NOAA, 1305 East-West Highway, Silver Spring, Maryland 20910, (301) 713-3155 ext 158 or Laurie.McGilvray@noaa.gov.

Federal Domestic Assistance Catalog Number 11.420 (Coastal Zone Management) Research Reserves.

Dated: October 28, 2004.

Eldon Hout,

Office of Ocean and Coastal Resource Management.

[FR Doc. 04-24428 Filed 10-29-04; 8:45 am]

BILLING CODE 3510-08-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 102604D]

New England Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of a public meeting.

SUMMARY: The New England Fishery Management Council (Council) will

hold a three-day Council meeting on November 16-18, 2004, to consider actions affecting New England fisheries in the exclusive economic zone (EEZ).

DATES: The Executive Committee will meet on Tuesday, November 16 at 8:30 a.m. The Council meeting will be held on Tuesday, November 16, 2004 beginning at 9:45 a.m. and on Wednesday and Thursday, November 17 and 18, beginning at 8:30 a.m.

ADDRESSES: The meeting will be held at the Courtyard by Marriott, 1000 Market Street, Portsmouth, NH 03801; telephone: (603) 436-2121.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Paul J. Howard, Executive Director, New England Fishery Management Council, telephone: (978) 465-0492.

SUPPLEMENTARY INFORMATION:

Tuesday, November 16, 2004

The Executive Committee will meet from 8:30 a.m. until 9:30 a.m. to discuss the identification of terms of reference for the Council's new ad hoc Bycatch Committee. The Council will convene at 9:45 a.m. and following introductions, the Council's Scallop Committee will seek approval of initial action on Framework Adjustment 17 to the Sea Scallop Fishery Management Plan (FMP); a range of alternatives will be selected which would require some or all vessels with general category scallop permits to operate vessel monitoring system equipment. The Council will then receive an update on the Northeast Region Bycatch Plan by NMFS staff. The afternoon period will include a report on the "Strategy of Sea Turtle Conservation and Recovery in Relation to Atlantic Ocean and Gulf of Mexico Fisheries" by NMFS staff. Following the report, the Council will consider and approve management actions for 2005, including a discussion of eliminating the process of joint fishery management plan development (for dogfish and monkfish). This discussion will be followed by a report by the Research Steering Committee seeking the Council's consideration and approval of committee recommendations for 2005 Council research priorities. The last item on the agenda will be a brief public comment period during which any member of the public may bring forward items relevant to Council business but not otherwise listed on the agenda for this meeting.

Wednesday, November 17, 2004

During the Wednesday morning session the Council will receive reports

from the Council Chairman and Executive Director, the NMFS Regional Administrator, Northeast Fisheries Science Center and Mid-Atlantic Fishery Management Council liaisons, NOAA General Counsel and representatives of the U.S. Coast Guard, NMFS Enforcement and the Atlantic States Marine Fisheries Commission. Following reports will be a presentation on Harvesting Cooperatives and Cooperative Management by Dr. Ralph Townsend. The Groundfish Committee will then ask for final approval on Framework Adjustment 40B to the Northeast Multispecies FMP. This will occur following the review and discussion of Groundfish Advisory Panel and Oversight Committee recommendations and selection of final measures. The Committee will then initiate a framework adjustment to reduce the expected haddock bycatch in all fisheries from the very large haddock 2003-year class.

Thursday, November 18, 2004

The Herring Committee will review measures under consideration in Amendment 1 to the FMP and approve management alternatives for further analysis in the accompanying Draft Supplemental Environmental Impact Statement; management alternatives may include measures to establish a limited access program for some or all of the herring fishery, effort control measures, changes to the start of the herring fishing year and measures to establish a purse seine/fixed gear-only area in some or all of the inshore Gulf of Maine. Following this report will be the consideration and approval of New England Council recommendations for spiny dogfish fishery specifications for the 2005-06 fishing year. The Council meeting will adjourn after any other outstanding business is addressed.

Although other non-emergency issues not contained in this agenda may come before this Council for discussion, those issues may not be the subjects of formal action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided that the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul

J. Howard (see **ADDRESSES**) at least 5 days prior to the meeting date.

Dated: October 27, 2004.

Alan D. Risenhoover,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. E4-2930 Filed 10-29-04; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 102604A]

New England Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meetings.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Herring Advisory Panel and Oversight Committee in November, 2004. Recommendations from the committees will be brought to the full Council for formal consideration and action, if appropriate.

DATES: The meetings will be held on Monday, November 15, 2004 at 9:30 a.m. to 12:30 p.m. for the Advisory Panel and then from 1:30 p.m. to 5 p.m. for the Oversight Committee.

ADDRESSES: The meetings will be held at the Holiday Inn by the Bay, 88 Spring Street, Portland, ME 04101; telephone: (207) 775-2311.

Council address: New England Fishery Management Council, 50 Water Street, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Paul J. Howard, Executive Director, New England Fishery Management Council; telephone: (978) 465-0492.

SUPPLEMENTARY INFORMATION: *Monday, November 15, 2004, 9:30 a.m. to 12:30 p.m. – Herring Advisory Panel Meeting.*

The panel will review advisory panel policies and elect the panel chairman for 2004–07. They will review a range of alternatives proposed for Amendment 1 to the Herring Fishery Management Plan (FMP) and provide Herring Advisory Panel comments/recommendations. Also on the agenda is the review of information and analyses in Framework Adjustment 40B to the Northeast Multispecies (Groundfish) FMP, review Groundfish Committee recommendations regarding Framework 40B measures that may impact herring fishing, and develop related Herring

Advisory Panel comments and recommendations.

Monday, November 15, 2004, 1:30 p.m. to 5 p.m. – Herring Oversight Committee Meeting.

The committee will review Herring Advisory Panel recommendations from the morning meeting. They will also review a range of alternatives proposed for Amendment 1 to the Herring FMP and develop related Herring Committee recommendations and motions for Council consideration. Also on the agenda will be a review of information and analyses in Framework Adjustment 40B to the Northeast Multispecies (Groundfish) FMP, review Groundfish Committee recommendations regarding Framework 40B measures that may impact herring fishing, review Herring Advisory Panel recommendations, develop related Herring Committee recommendations for Council consideration.

Although non-emergency issues not contained in this agenda may come before these groups for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul J. Howard (see **ADDRESSES**) at least 5 days prior to the meeting dates.

Dated: October 27, 2004.

Alan D. Risenhoover,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. E4-2931 Filed 10-29-04; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 102604B]

North Pacific Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of a public meeting.

SUMMARY: The North Pacific Fishery Management Council's (Council) Non-Target Species Committee will meet in Seattle, WA.

DATES: The meeting will be held on November 15, 2004, from 9 a.m. to 12 noon (PST).

ADDRESSES: The meeting will be held at the Alaska Fishery Science Center, 7600 Sand Point Way North East, Building 4, Room 2143, Seattle, WA 98115.

Council address: North Pacific Fishery Management Council, 605 W. 4th Avenue, Suite 306, Anchorage, AK 99501-2252.

FOR FURTHER INFORMATION CONTACT: Jane DiCosimo, Council staff, telephone: 907-271-2809.

SUPPLEMENTARY INFORMATION: The Committee will review proposed revisions to National Standard Guidelines and definitions of a "fishery," Council guidance on Committee mission (non-target vs both target and non-target), Council problem statement for framework and ad hoc group suite of alternatives, draft committee problem statements for rockfish and suite of alternatives and a discussion paper of a alternative management strategies for rockfish. The Committee will develop recommendations to the Council on how to best manage non-target species.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Gail Bendixen at 907-271-2809 at least 7 working days prior to the meeting date.

Dated: October 27, 2004.

Alan D. Risenhoover,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. E4-2933 Filed 10-29-04; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****[I.D. 102604C]****North Pacific Fishery Management Council; Public Meetings**

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meetings.

SUMMARY: The North Pacific Fishery Management Council's Gulf of Alaska (GOA) and Bering Sea/Aleutian Islands (BS/AI) groundfish plan teams will meet in Seattle, WA.

DATES: The meetings will be held on November 15–19, 2004.

ADDRESSES:

The meetings will be held at the Alaska Fisheries Science Center, 7600 Sand Point Way N.E., Bldg. 4, Room 2039 (BS/AI Plan Team) and Room 2076 (GOA Plan Team), Seattle, WA.

Council address: North Pacific Fishery Management Council, 605 W. 4th Ave., Suite 306, Anchorage, AK 99501–2252.

FOR FURTHER INFORMATION CONTACT: Jane DiCosimo, Diana Stram, NPFMC, telephone: 907–271–2809.

SUPPLEMENTARY INFORMATION: The meetings will begin at 1 p.m. on Monday, November 15, and continue through Friday November 19.

Agenda: The Teams will prepare the final Economic Stock Assessment Fishery Evaluation (SAFE) report, Ecosystem chapter, GOA and BSAI Groundfish SAFE reports and recommend proposed Specifications for 2005 fisheries.

Although non-emergency issues not contained in this agenda may come before these groups for discussion, those issues may not be the subject of formal action during these meetings. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Gail Bendixen,

907–271–2809, at least 5 working days prior to the meeting date.

Dated: October 27, 2004.

Alan D. Risenhoover,
Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
[FR Doc. E4–2934 Filed 10–29–04; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****[I.D. 102604E]****Pacific Fishery Management Council; Public Meeting**

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meeting.

SUMMARY: The Pacific Fishery Management Council's (Council) Ad Hoc Groundfish Trawl Individual Quota Analytical Team (TIQ Analytical Team) will hold a working meeting which is open to the public.

DATES: The TIQ Analytical Team working meeting will begin Wednesday, November 17, 2004 at 9:30 a.m. and may go into the evening if necessary to complete business for the day. The meeting will reconvene from 8 a.m. and continue until business for the day is complete on Tuesday, November 18, 2004.

ADDRESSES: The meeting will be held at the National Marine Fisheries Service in the Regional Director's Conference Room, Building 1, 7600 Sand Point Way, Seattle, WA 98115; telephone: (206) 526–6150.

Council address: Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 200, Portland, OR 97220–1384.

FOR FURTHER INFORMATION CONTACT: Mr. Jim Seger, Staff Officer (Economist), telephone: 503–820–2280.

SUPPLEMENTARY INFORMATION: The purpose of the TIQ Analytical Team meeting is to review the Council action from the November 2004 Council meeting and plan the next analytical tasks.

Although non-emergency issues not contained in the TIQ Analytical Team meeting agenda may come before the group for discussion, those issues may not be the subject of formal committee action during these meetings. TIQ Analytical Team action will be restricted to those issues specifically listed in this notice and to any issues

arising after publication of this notice requiring emergency action under Section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the group's intent to take final action to address the emergency.

Entry to the NMFS facilities requires identification with a photograph (such as a student ID, state driver's license, etc.). A security guard will review the identification an issue a Visitor's Badge valid only for the date of the meeting.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Ms. Carolyn Porter at 503–820–2280 at least 5 days prior to the meeting date.

Dated: October 27, 2004.

Alan D. Risenhoover,
Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
[FR Doc. E4–2932 Filed 10–29–04; 8:45 am]

BILLING CODE 3510–22–S

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS**Announcement of Request for Bilateral Textile Consultations with the Government of the People's Republic of China and the Establishment of an Import Limit for Cotton, Wool, and Man-Made Fiber Socks in Category 332/432 and 632 Part, Produced or Manufactured in the People's Republic of China**

October 28, 2004.

AGENCY: Committee for the Implementation of Textile Agreements (Committee).

ACTION: Notice

EFFECTIVE DATE: October 29, 2004.

FOR FURTHER INFORMATION CONTACT: Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Bureau of Customs and Border Protection website (<http://www.cbp.gov>), or call (202) 344–2650. For information on embargoes and quota re-openings, refer to the Office of Textiles and Apparel website at <http://otexa.ita.doc.gov>.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

On October 29, 2004, as provided for under paragraph 242 of the Report of the Working Party on the Accession of China to the World Trade Organization (Accession Agreement), the United States requested consultations with the Government of the People's Republic of China with respect to imports of Chinese origin cotton, wool, and man-made fiber socks in Category 332/432 and 632 part ("socks"). In accordance with paragraph 242 of the Accession Agreement and the procedures set forth by the Committee on May 21, 2003 (68 FR 27787), as clarified on August 18, 2003 (68 FR 49440), the United States is establishing a twelve-month limit on socks from China, beginning on October 29, 2004, and extending through October 28, 2005 at a level of 42,433,990 dozen pairs.

Paragraph 242 of the Accession Agreement allows World Trade Organization Members that believe imports of Chinese origin textile and apparel products are, due to market disruption, threatening to impede the orderly development of trade in these products to request consultations with the People's Republic of China with a view to easing or avoiding such market disruption. Upon receipt of the request, the People's Republic of China has agreed to hold its shipments to a level no greater than 7.5 percent (6 percent for wool product categories) above the amount entered during the first 12 months of the most recent 14 months preceding the request for consultations. The Member requesting consultations may implement such a limit. Consistent with paragraph 242, consultations with the People's Republic of China will be held within 30 days of receipt of the request for consultations, and every effort will be made to reach agreement on a mutually satisfactory solution within 90 days of receipt of the request for consultations. If agreement on a different limit is reached, the Committee will issue a Federal Register Notice containing a directive to the Bureau of Customs and Border Protection to implement the negotiated limit.

On June 28, 2004, the Committee received a request from the Domestic Manufacturers Committee of The Hosiery Association, the American Manufacturing Trade Action Coalition, the National Council of Textile Organizations, and the National Textile Association alleging that imports from the People's Republic of China of socks are, due to market disruption, threatening to impede the orderly development of trade in this product, and requesting that an Accession Agreement textile and apparel safeguard action be taken on imports of socks. The

Committee determined that this request provided the information necessary for the Committee to consider the request, and, on July 22, 2004, the Committee solicited public comments on the request (69 FR 43807). This public comment period ended on August 23, 2004. The Committee determined that imports of Chinese origin socks are, due to market disruption and the threat of market disruption, threatening to impede the orderly development of trade in socks, and that imports of socks from China play a significant role in the existence of and threat of market disruption. A summary statement of the reasons and justifications for the U.S. request for consultations concerning imports of socks from the People's Republic of China follows this notice.

Paragraph 2.B. of the U.S.-China Textile Visa Arrangement provides that if additional categories become subject to import quotas, those categories shall be automatically included in the coverage of the Visa Arrangement. This Visa Arrangement was notified to the World Trade Organization Textiles Monitoring Body as an agreed administrative arrangement on May 21, 2002. Consequently, the United States will require that shipments of Chinese socks be accompanied by an export visa and Electronic Visa Information System (ELVIS) transmission issued by the Government of the People's Republic of China. The United States considers that implementation of the visa/ELVIS requirement is in the mutual interest of both countries. Goods in Category 332 shall remain subject to the Group II limit, and will continue to be subject to export visa and ELVIS requirements. If exported on or after January 1, 2005, goods in Category 332 shall be subject only to the limit established in the directive that accompanies this notice. In order to provide a period for adjustment, the United States will allow shipments of goods in Categories 432 and 632 part that are not accompanied by an export visa and an ELVIS transmission to enter the United States if exported prior to November 28, 2004. However, shipments exported from China on or after November 28, 2004 must be accompanied by an export visa and ELVIS transmission issued by the Government of the People's Republic of China, and shipments without an export visa and ELVIS transmission will be denied entry. Socks in Category 632 (632 part) are in HTS numbers 6115.93.6020, 6115.93.9020, 6115.99.1420 and 6115.99.1820. They may be visaed as "cat. 632" or "cat. 332/432/632.", but not at "632pt." Similarly, socks in Category 332 may be visaed as

"cat. 332" or "cat. 332/432/632," and socks in Category 432 may be visaed as "cat. 432" or "cat. 332/432/632."

A description of the textile and apparel categories in terms of Harmonized Tariff Schedule of the United States numbers is available in the CORRELATION: Textile and Apparel Category with the Harmonized Tariff Schedule of the United States (see Federal Register notice 69 FR 4926, published on February 2, 2004). Also see 68 FR 65445, published on November 20, 2003.

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

October 28, 2004.

Commissioner,
*Bureau of Customs and Border Protection,
Washington, DC 20229.*

Dear Commissioner: Pursuant to Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); and Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on October 29, 2004, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool, and man-made fiber socks in Category 332/432/632pt., produced or manufactured in the People's Republic of China and exported during the twelve-month period beginning on October 29, 2004, and extending through October 28, 2005, in excess of 42,433,990 dozen pairs.

Paragraph 2.B. of the U.S.-China Textile Visa Arrangement provides that if additional categories become subject to import quotas, those categories shall be automatically included in the coverage of the Visa Arrangement. Shipments of Chinese origin cotton, wool, and man-made fiber socks in Category 332/432/632pt. ¹ must be accompanied by an export visa and Electronic Visa Information System (ELVIS) transmission issued by the Government of the People's Republic of China. Goods in Category 332 shall remain subject to the Group II limit, and will continue to be subject to export visa and ELVIS requirements. If exported on or after January 1, 2005, goods in Category 332 shall be subject only to the limit established in this directive. In order to provide a period for adjustment, the United States will allow shipments of goods in Categories 432 and 632pt. that are not accompanied by an export visa and an ELVIS transmission to enter the United States if exported prior to November 28, 2004. However, shipments exported from China on or after November 28, 2004 must be accompanied by an export visa and ELVIS transmission issued by the Government of the People's Republic of China, and shipments without an export visa and ELVIS transmission will be denied entry. Socks in Category 632 (632pt.) are in HTS numbers 6115.93.6020, 6115.93.9020, 6115.99.1420 and 6115.99.1820. They may be visaed as "cat. 632" or "cat. 332/432/632.", but not at

"632pt." Similarly, socks in Category 332 may be visaed as "cat. 332" or "cat. 332/432/632," and socks in Category 432 may be visaed as "cat. 432" or "cat. 332/432/632."

Products which have been exported to the United States prior to October 29, 2004, shall not be subject to the limit established in this directive.

In carrying out the above directions, the Commissioner should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico. The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,
D. Michael Hutchinson,
*Acting Chairman, Committee for the
Implementation of Textile Agreements.*

¹ Category 632pt. only HTS numbers
6115.93.6020, 6115.93.9020, 6115.99.1420
and 6115.99.1820.

SUMMARY OF THE REASONS AND JUSTIFICATIONS FOR U.S. REQUEST FOR CONSULTATIONS WITH CHINA PURSUANT TO PARAGRAPH 242 OF THE REPORT OF THE WORKING PARTY ON THE ACCESSION OF CHINA TO THE WORLD TRADE ORGANIZATION

Cotton, Man-made Fiber, and Wool Socks Merged Category 332/432 and 632 Part

The United States believes that imports of Chinese origin cotton, man-made fiber and wool socks ("socks") are, due to market disruption, threatening to impede the orderly development of trade in socks, and that imports from China play a significant role in the existence of market disruption. Further, the United States believes that imports of Chinese origin socks are, due to the threat of market disruption, threatening to impede the orderly development of trade in socks, and that imports of socks from China play a significant role in the threat of market disruption. Either finding supports a request for consultations with the Government of the People's Republic of China under Paragraph 242 of the Report of the Working Party on the Accession of China to the World Trade Organization ("Paragraph 242"). The following facts, and others contained in this Statement, support these beliefs:

U.S. Imports from China Are Increasing Rapidly in Absolute Terms. U.S. imports of socks from China increased from 985,619 dozen pairs in 2001 to 21,877,024 dozen pairs in 2003 (an increase of over 2,100 percent), and to 42,491,164 dozen pairs in the twelve-month period ending August 2004 (an increase of over 4,200 percent from the 2001 level).

U.S. Imports from China Are Increasing Rapidly Relative to Other Imports. In 2001, China was the 12th largest exporter of socks to the United States. By the year ending August 2004 China became the largest supplier to the U.S. of socks.

Chinese Average Unit Values Are Well Below Values from Other Countries. In 2001, the average unit value of U.S. sock imports

from China was US\$11.54 per dozen pair, compared to a "rest of world" import average unit value of US\$8.68 per dozen pair. By 2003, the average unit value of imports of socks from China fell to \$5.11 per dozen pair, compared to \$7.51 per dozen pair for the rest of the world. In the year ending August 2004, the average unit value of imports of socks from China fell further to US\$4.92 per dozen pair, compared to US\$7.71 per dozen pair for "rest of world" imports.

U.S. Imports from the World Are Increasing Rapidly in Absolute Terms. U.S. imports of socks from all sources into the United States, excluding socks containing U.S. components that were imported under outward processing programs, increased from 51,014,517 dozen pairs in 2001 to 98,976,106 dozen pairs in 2003, (an increase of 94 percent), and to 119,805,665 dozen pairs in the year ending August (an increase of 135 percent from the 2001 level.)

The U.S. Socks Industry is Vulnerable to Increasing Imports. U.S. production plus outward processing of socks fell 13.2 percent from 2001 to 2003 (from 246,464,000 dozen pairs to 214,020,000 dozen pairs), while the share of the market held by U.S. producers fell by 14.5 percentage points (from 82.9 percent to 68.4 percent) during this period. The number of employees and the number of establishments in the sock industry also fell significantly during this period.

U.S. Imports from China Are Likely to Increase Further in the Near Future. China's capacity to produce apparel, including socks, and the low prices of imports of these products from China pose an imminent threat to disrupt the U.S. market for socks. Due to the vulnerability of the U.S. industry today, continued increases in low-priced sock imports from China could have a considerable impact on the market in the near future.

[FR Doc. 04-24432 Filed 10-29-04; 8:45 am]

BILLING CODE 3510-DR-S

DEPARTMENT OF DEFENSE

[OMB Control Number 0704-0341]

Information Collection Requirement; Defense Federal Acquisition Regulation Supplement; Acquisition of Information Technology

AGENCY: Department of Defense (DoD).

ACTION: Notice and request for comments regarding a proposed extension of an approved information collection requirement.

SUMMARY: In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), DoD announces the proposed extension of a public information collection requirement and seeks public comment on the provisions thereof. DoD invites comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of DoD,

including whether the information will have practical utility; (b) the accuracy of the estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including the use of automated collection techniques or other forms of information technology. The Office of Management and Budget (OMB) has approved this information collection requirement for use through October 31, 2004. DoD proposes that OMB extend its approval for use through October 31, 2007.

DATES: DoD will consider all comments received by January 3, 2005.

ADDRESSES: You may submit comments, identified by OMB Control Number 0704-0341, using any of the following methods:

- *Defense Acquisition Regulations Web site:* <http://emissary.acq.osd.mil/dar/dfars.nsf/pubcomm>. Follow the instructions for submitting comments.
- *E-mail:* dfars@osd.mil. Include OMB Control Number 0704-0341 in the subject line of the message.
- *Fax:* (703) 602-0350.
- *Mail:* Defense Acquisition Regulations Council, Attn: Ms. Amy Williams, OUSD (AT&L) DPAP (DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301-3062.
- *Hand Delivery/Courier:* Defense Acquisition Regulations Council, Crystal Square 4, Suite 200A, 241 18th Street, Arlington, VA 22202-3402.

All comments received will be posted to <http://emissary.acq.osd.mil/dar/dfars.nsf>.

FOR FURTHER INFORMATION CONTACT: Ms. Amy Williams, (703) 602-0328. The information collection requirements addressed in this notice are available electronically on the Internet at: <http://www.acq.osd.mil/dpap/dfars/index.htm>. Paper copies are available from Ms. Amy Williams, OUSD (AT&L) DPAP (DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301-3062.

SUPPLEMENTARY INFORMATION: *Title and OMB Number:* Defense Federal Acquisition Regulation Supplement (DFARS) Part 239, Acquisition of Information Technology, and the associated clauses at DFARS 252.239-7000 and 252.239-7006; OMB Control Number 0704-0341.

Needs and Uses: This requirement provides for the collection of information from contractors regarding security of information technology; tariffs pertaining to telecommunications services; and proposals from common carriers to perform special construction

under contracts for telecommunications services. Contracting officers and other DoD personnel use the information to ensure that information systems are protected; to participate in the establishment of tariffs for telecommunications services; and to establish reasonable prices for special construction by common carriers.

Affected Public: Businesses or other for-profit and not-for-profit institutions.

Annual Burden Hours: 1,428.

Number of Respondents: 424.

Responses Per Respondent:
Approximately 4.

Annual Responses: 1,571.

Average Burden Per Response: 1 hour.

Frequency: On occasion.

Summary of Information Collection

The clause at DFARS 252.239–7000, Protection Against Compromising Emanations, requires that the contractor provide, upon request of the contracting officer, documentation that information technology used or provided under the contract meets appropriate information assurance requirements.

The clause at DFARS 252.239–7006, Tariff Information, requires that the contractor provide to the contracting officer: (1) Upon request, a copy of the contractor's existing tariffs; (2) before filing, a copy of any application to a Federal, State, or other regulatory agency for new rates, charges, services, or regulations relating to any tariff or any of the facilities or services to be furnished solely or primarily to the government, and, upon request, a copy of all information, material, and data developed or prepared in support of or in connection with such an application; and (3) a notification to the contracting officer of any application submitted by anyone other than the contractor that may affect the rate or conditions of services under the agreement or contract.

DFARS 239.7408 requires the contracting officer to obtain a detailed special construction proposal from a common carrier that submits a proposal or quotation that has special construction requirements related to the performance of basic telecommunications services.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

[FR Doc. 04–24286 Filed 10–29–04; 8:45 am]

BILLING CODE 5001–08–P

DEPARTMENT OF DEFENSE

Department of the Navy

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Notice of Intent To Prepare an Environmental Impact Statement/ Environmental Impact Report for the Santa Margarita River Conjunctive Use Project, San Diego County, CA

AGENCIES: Department of the Navy, DOD. Bureau of Reclamation, DOI.

ACTION: Notice.

SUMMARY: Pursuant to Section (102)(2)(c) of the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4332 (2) (c)), as implemented by the Council on Environmental Quality Regulations (40 CFR parts 1500–1508), and the California Environmental Quality Act (CEQA) (PRC 21000 *et seq.*), as implemented by the California State CEQA Guidelines (14 CCR 15000–15387), the Department of the Navy, Marine Corps Base Camp Pendleton (MCB Camp Pendleton); the Bureau of Reclamation (Reclamation); and the Fallbrook Public Utility District (Fallbrook) intend to prepare an environmental impact statement/ environmental impact report (EIS/EIR) and conduct associated public scoping meetings for the proposed Santa Margarita River Conjunctive Use Project. Three public meetings will be held to collect scoping comments. The public and agencies are invited to attend and provide comments.

DATES: All written comments must be received by January 31, 2005. Public meeting dates are as follows:

1. January 12, 2005, 6 p.m. to 8 p.m., Oceanside, CA.
2. January 13, 2005, 6 p.m. to 8 p.m., Fallbrook, CA.

ADDRESSES: Written comments or requests for inclusion on the EIS/EIR mailing list may be submitted to: Bureau of Reclamation, Southern California Area Office, Attn: Bill Rohwer, 27708 Jefferson Ave, Suite 202, Temecula, CA 92590.

Public meeting locations are as follows:

1. Oceanside—Oceanside Civic Center Library and Community Rooms, 330 North Coast Hwy, Oceanside, CA.
2. Fallbrook—Fallbrook Public Utility District, 990 East Mission Rd, Fallbrook, CA.

FOR FURTHER INFORMATION CONTACT:

Bureau of Reclamation, Mr. Bill Rohwer, telephone 951–695–5310, fax 951–695–

5319, or e-mail: wrohwer@lc.usbr.gov. Please submit requests for sign language interpretation for the hearing impaired or for other auxiliary aids at the public meetings to Mr. Rohwer by January 5, 2005.

SUPPLEMENTARY INFORMATION: The proposed conjunctive use project would be located in the lower Santa Margarita River basin on MCB Camp Pendleton, San Diego County, California. The project would upgrade an existing groundwater recharge and recovery system currently producing 7,000 acre-feet of water per year. Studies suggest that this yield could be increased to as much as 16,200 acre-feet per year. The project would improve existing diversion and percolation facilities and install new wells, an advanced potable water treatment plant, pump stations and a pipeline to Fallbrook. Potential options could involve in-stream water retention structures, reclaimed wastewater, off-stream storage, and recharge of other groundwater basins on MCB Camp Pendleton.

The purpose of the proposed project is to help meet water demands for MCB Camp Pendleton and Fallbrook, reduce regional dependency on imported water, and improve water reliability by increasing the yield of the lower Santa Margarita River basin and perfecting water rights permits that were assigned to Reclamation in 1974 pursuant to State Water Resources Control Board Order WR 73–50.

Reclamation currently holds three state-approved permits to divert and store water from the Santa Margarita River. The proposed conjunctive use project would enable permits 15000, 11357, and 8511 to be perfected, and could facilitate settlement of *United States v. Fallbrook Public Utility District, et al.* (No. 1247–SD–C), filed in 1951.

The permits were originally issued to Fallbrook and MCB Camp Pendleton. In 1968, Fallbrook, the U.S. Attorney General, the Secretary of the Navy, and the Secretary of the Interior signed a Memorandum of Understanding and Agreement to negotiate a physical solution predicated on the construction of a two-dam project on the Santa Margarita River. Fallbrook and MCB Camp Pendleton subsequently assigned the permits to Reclamation, which had been authorized to prepare feasibility studies for the project (Sec. 3, Pub. L. 89–561).

Reclamation completed a Feasibility Report in 1971 and a Final EIS in 1976 for a two-dam project to impound, conserve, and deliver the natural flows of the Santa Margarita River, as well as

imported waters, to MCB Camp Pendleton and Fallbrook. Reclamation prepared a supplemental EIS for the project in 1984. However, Congress did not approve the project's funding. A subsequent effort to design a smaller, single dam project was also unsuccessful.

A 1994 study, with additional reports in 2001 and 2002, concluded that a groundwater recharge and extraction project (*i.e.*, conjunctive use) may result in an annual yield comparable to that of the two-dam project, at a lower cost and with fewer adverse environmental effects.

The conference report for the 2003 Omnibus Appropriations Act (Pub. L. 108-7) directed Reclamation, under the Santa Margarita feasibility authorization, to perform the studies needed to address current and future municipal, domestic, military, environmental, and other water uses from the Santa Margarita River. The 2004 Energy and Water Appropriations Act (Pub. L. 108-137) provided funding for Reclamation to study the feasibility of the Santa Margarita Conjunctive Use Project.

Through previous investigations, several areas of potential impact have been identified that apply to this proposed conjunctive use project. Potential impacts identified to date include, but are not limited to, the following areas: Water quality/quantity (surface and groundwater), water rights, water reuse, fish passage, endangered species, estuarine habitat, riparian/wetland habitat, and sediment transport.

MCB Camp Pendleton, Reclamation, and Fallbrook have scheduled public meetings to describe the proposed project and obtain public input on the range of issues that should be studied in order to evaluate potential impacts of the proposed project. Each meeting will begin with a formal presentation about the proposed project from 6 p.m. to 6:30 p.m. followed by an informal open house from 6:30 p.m. to 8 p.m.

These meetings will assist the agencies in identifying additional alternatives or options to meet the stated purpose of the conjunctive use project and to assist in determining issues that will be analyzed in the EIS/EIR.

In response to issues developed during scoping, other alternative means of meeting the project's purpose will be explored and analyzed in the EIS/EIR, if found to be reasonable. Federal, state and local agencies, tribes, and the general public are invited to participate in the environmental review process.

Comments, including names and home addresses of respondents, will be made available for public review.

Individual respondents may request their home address be withheld from public disclosure. Circumstances may exist in which we would withhold a respondent's identity from public disclosure, as allowable by law. Please prominently state at the beginning of your comment if you wish your name and/or address withheld from public disclosure. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public disclosure in their entirety. Please note, unidentified comments will not be considered.

Dated: October 27, 2004.

J.H. Wagshul,

*Commander, Judge Advocate General's Corps,
U.S. Navy, Federal Register Liaison Officer.*

Dated: October 27, 2004.

Robert W. Johnson,

*Regional Director, Department of the Interior,
Bureau of Reclamation, Lower Colorado
Region.*

[FR Doc. 04-24335 Filed 10-29-04; 8:45 am]

BILLING CODE 3810-FF-P

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

SUMMARY: The Leader, Information Management Case Services Team, Regulatory Information Management Services, Office of the Chief Information Officer invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before December 1, 2004.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Carolyn Lovett, Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, NW., Room 10235, New Executive Office Building, Washington, DC 20503 or faxed to (202) 395-6974.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public

participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Information Management Case Services Team, Regulatory Information Management Services, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, *e.g.*, new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: October 27, 2004.

Angela C. Arrington,

*Leader, Information Management Case
Services Team, Regulatory Information
Management Services, Office of the Chief
Information Officer.*

Institute of Education Sciences

Type of Review: Revision.

Title: 2005 National Household Education Surveys Program (NHES: 2005).

Frequency: One time.

Affected Public: Individuals or household.

Reporting and Recordkeeping Hour Burden: Responses: 92,476. Burden Hours: 11,663.

Abstract: NHES:2005 is a survey of households using random-digit-dialing and computer-assisted telephone interviewing. Three topical surveys are to be conducted in NHES:2005: Early Childhood Program Participation (ECPP), After-School Programs and Activities (ASPA), and Adult Education and Lifelong Learning (AELL). ECPP and ASPA will provide current measures of participation in early childhood education, after-school programs, and other forms of non-parental care, as well as in-home and out-of-home activities. AELL will provide in-depth information on the participation of adults in a wide range of training and education activities.

Requests for copies of the submission for OMB review; comment request may be accessed from <http://edicsweb.ed.gov>, by selecting the "Browse Pending Collections" link and by clicking on link number 2630. When you access the information collection, click on "Download Attachments" to view. Written requests for information

should be addressed to U.S. Department of Education, 400 Maryland Avenue, SW., Potomac Center, 9th Floor, Washington, DC 20202-4700. Requests may also be electronically mailed to the Internet address OCIO_RIMG@ed.gov or faxed to (202) 245-6621. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be directed to Kathy Axt at her e-mail address Kathy.Axt@ed.gov. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339.

[FR Doc. E4-2947 Filed 10-29-04; 8:45 am]

BILLING CODE 4001-01-P

DEPARTMENT OF ENERGY

American Statistical Association Committee on Energy Statistics

AGENCY: Department of Energy.

ACTION: Notice of renewal.

SUMMARY: Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), I hereby certify that the renewal, for a period of four months, of the charter of the American Statistical Association Committee on Energy Statistics is in the public interest in connection with the performance of duties imposed on the Department of Energy by law. This determination follows consultation with the Committee Management Secretariat of the General Services Administration, pursuant to section 102-3.60, title 41, Code of Federal Regulations.

FOR FURTHER INFORMATION CONTACT: Ms. Rachel M. Samuel at (202) 586-3279.

SUPPLEMENTARY INFORMATION: The purpose of the Committee is to provide advice on a continuing basis to the Administrator of the Energy Information Administration (EIA), including:

1. Periodic review of and advice on Energy Information Administration data collections and analysis programs;
2. Advice on technical and methodological issues in planning, operation, and the review of Energy Information Administration statistical programs and their relative priorities; and
3. Advice on matters concerning improved energy modeling and forecasting tools, particularly regarding their functioning, relevancy, and results.

Issued in Washington, DC, on: October 27, 2004.

Carol Matthews,

Acting Advisory Committee Management Officer.

[FR Doc. 04-24356 Filed 10-29-04; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Idaho National Engineering and Environmental Laboratory

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EMSSAB), Idaho National Engineering and Environmental Laboratory. The Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770) requires that public notice of these meeting be announced in the **Federal Register**.

DATES: Tuesday, November 16, 2004, 8 a.m.-6 p.m., Wednesday, November 17, 2004, 8 a.m.-5 p.m.

Opportunities for public participation will be held Tuesday, November 16, from 12:15 to 12:30 and 5:45 to 6 p.m. and on Wednesday, November 17, from 11:45 a.m. to 12 noon and 4 to 4:15 p.m. Additional time may be made available for public comment during the presentations.

These times are subject to change as the meeting progresses, depending on the extent of comment offered. Please check with the meeting facilitator to confirm these times.

ADDRESSES: Ameritel Inn, 645 Lindsay Blvd., Idaho Falls, ID.

FOR FURTHER INFORMATION CONTACT: Ms. Peggy Hinman, INEEL CAB Administrator, North Wind, Inc., P.O. Box 51174, Idaho Falls, ID 83405, Phone (208) 557-7885, or visit the Board's Internet home page at <http://www.ida.net/users/cab>.

SUPPLEMENTARY INFORMATION: *Purpose of the Board:* The purpose of the Board is to make recommendations to DOE in the areas of environmental restoration, waste management, and related activities.

Tentative Topics (agenda topics may change up to the day of the meeting; please contact Peggy Hinman for the most current agenda or visit the CAB's Internet site at <http://www.ida.net/users/cab/>):

- Presentations addressing the cleanup and closure of the Radioactive Waste Management Complex

- Develop a recommendation on orphan waste
- Federal budget process and funding available for the Idaho Operation Office

Public Participation: This meeting is open to the public. Written statements may be filed with the Board facilitator either before or after the meeting. Individuals who wish to make oral presentations pertaining to agenda items should contact the Board Chair at the address or telephone number listed above. Request must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer, Richard Provencher, Assistant Manager for Environmental Management, Idaho Operations Office, U.S. Department of Energy, is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Every individual wishing to make public comment will be provided equal time to present their comments.

Minutes: The minutes of this meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E-190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585 between 9 a.m. and 4 p.m., Monday through Friday except Federal holidays. Minutes will also be available by writing to Ms. Peggy Hinman, INEEL CAB Administrator, at the address and phone number listed above.

Issued at Washington, DC, on October 27, 2004.

Rachel Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 04-24354 Filed 10-29-04; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Oak Ridge Reservation

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Oak Ridge. The Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770) requires that public notice of these meeting be announced in the **Federal Register**.

DATES: Wednesday, November 10, 2004 6 p.m.

ADDRESSES: DOE Information Center, 475 Oak Ridge Turnpike, Oak Ridge, TN.

FOR FURTHER INFORMATION CONTACT: Pat Halsey, Federal Coordinator, Department of Energy Oak Ridge Operations Office, P.O. Box 2001, EM-90, Oak Ridge, TN 37831. Phone (865) 576-4025; Fax (865) 576-5333 or e-mail: halseypj@oro.doe.gov or check the Web site at <http://www.oakridge.doe.gov/em/ssab>.

SUPPLEMENTARY INFORMATION: *Purpose of the Board:* The purpose of the Board is to make recommendations to DOE in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda:

Update on the Environmental Management Program

Speakers—Mike Hughes of Bechtel Jacobs Company LLC Steve McCracken of the U.S. Department of Energy

Public Participation: The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Pat Halsey at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Each individual wishing to make public comment will be provided a maximum of five minutes to present their comments. This **Federal Register** notice is being published less than 15 days prior to the meeting due to programmatic issues that had to be resolved prior to the meeting date.

Minutes: Minutes of this meeting will be available for public review and copying at the Department of Energy's Information Center at 475 Oak Ridge Turnpike, Oak Ridge, TN between 8 a.m. and 5 p.m. Monday through Friday, or by writing to Pat Halsey, Department of Energy Oak Ridge Operations Office, P.O. Box 2001, EM-90, Oak Ridge, TN 37831, or by calling her at (865) 576-4025.

Issued at Washington, DC, on October 27, 2004.

Rachel M. Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 04-24355 Filed 10-29-04; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER05-25-000]

AEP Texas North Company; Notice of Filing

October 13, 2004.

Take notice that on October 7, 2004, American Electric Power Service Corporation (AEPSC), as agent for AEP Texas North Company (AEP TNC), submitted for filing an executed interconnection agreement (the Agreement) between AEP TNC and FPL Energy Callahan Wind, LP (Callahan). AEPSC states that the Agreement provides for the interconnection of Callahan's future wind farm generation project near Abilene, Texas. AEP TNC requests an effective date of December 6, 2004.

AEPSC served copies of the filing on Callahan and the Public Utility Commission of Texas.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail

FERCOnlineSupport@ferc.gov, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Comment Date: 5 p.m. Eastern Time on October 28, 2004.

Linda Mitry,

Acting Secretary.

[FR Doc. E4-2942 Filed 10-29-04; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EC05-3-000]

Allegheny Energy Supply Company, LLC, et al.; Notice of Filing

October 13, 2004.

Take notice that on October 8, 2004, Allegheny Energy Supply Company, LLC (AE Supply), Allegheny Energy Supply Lincoln Generating Facility, LLC (Lincoln), Grant Peaking Power, LLC (Grant), and Colbath Peaking Power, LLC (Colbath and together with AE Supply, Lincoln and Grant, the Applicants) filed an application for disposition of jurisdictional facilities under section 203 of the Federal Power Act. Applicants request the Commission's approval for AE Supply to sell either: (1) 100 percent of the membership interests in Lincoln to Grant or; in the alternative, (2) 90 percent of the membership interests in Lincoln to Grant and 10 percent of such interests to Colbath. Applicants state that Lincoln states that it owns and operates the approximately 672 MW Lincoln Generating Facility located in Manhattan, Illinois. Applicants further state that AE Supply proposes to assign to Lincoln AE Supply's interests in an associated Energy Services Conversion Agreement dated June 13, 2002 with Exelon Generating Company, LLC.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicants. On or before the comment date, it is not necessary to serve motions to intervene

or protests on persons other than the Applicants.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail FEROnlineSupport@ferc.gov, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Comment Date: 5 p.m. Eastern Time on October 29, 2004.

Linda Mitry,
Acting Secretary.

[FR Doc. E4-2945 Filed 10-29-04; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[ER04-1001-001]

Ameren Energy Marketing Co. and Central Illinois Public Service Company d/b/a AmerenCIPS; Notice of Filing

September 17, 2004.

Take notice that on September 14, 2004, Ameren Energy Marketing Company and Central Illinois Public Service Company d/b/a AmerenCIPS (collectively, Ameren Companies) submitted for filing a response to provide additional information to the Commission regarding a proposed amendment to the existing electric power supply agreement between the Ameren Companies. Ameren Companies state that the filing is in response to the Commission's letter order issued September 1, 2004, requesting all data which would validate the use of the Market Value Index formula for the proposed two-year extension.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214).

Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant and all parties to this proceeding.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail FEROnlineSupport@ferc.gov, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Comment Date: 5 p.m. eastern time on October 5, 2004.

Magalie R. Salas,
Secretary.

[FR Doc. E4-2926 Filed 10-29-04; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER04-1003-001 and ER04-1007-001]

American Electric Power Service Corporation; Notice of Withdrawal of Filing

September 17, 2004.

Take notice that on September 13, 2004, American Electric Power Service Corporation on behalf of Appalachian Power Company, Columbus Southern Power Company, Indiana Michigan Power Company, Kentucky Power Company, Kingsport Power Company, Ohio Power Company, Public Service Company of Oklahoma, Southwestern Electric Power Company, AEP Texas Central Company, AEP Texas North

Company and Wheeling Power Company, (collectively AEP) filed a request for withdrawal of a portion of its July 9, 2004, filing. More specifically, AEP requests withdrawal of that portion of its filing which contained revised creditworthiness review provisions.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant and all parties to this proceeding.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail FEROnlineSupport@ferc.gov, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Comment Date: 5 p.m. eastern time on October 4, 2004.

Magalie R. Salas,
Secretary.

[FR Doc. E4-2927 Filed 10-29-04; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission****[Docket No. ER04-1215-001]****Anthracite Power and Light Company; Notice of Amendment to Filing**

October 13, 2004.

Take notice that on October 8, 2004, Anthracite Power and Light Company (APL) filed an amendment to its September 13, 2004 filing requesting acceptance of Anthracite Power and Light Company Rate Schedule FERC No. 1; the granting of certain blanket approvals, including the authority to sell electricity at market-based rates; and the waiver of certain Commission regulations.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant and all the parties in this proceeding.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail FERCOnlineSupport@ferc.gov, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Comment Date: 5 p.m. Eastern Time on October 18, 2004.

Linda Mitry,

Acting Secretary.

[FR Doc. E4-2941 Filed 10-29-04; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission****[Docket No. ER04-1157-001]****Buckeye Power Generating, LLC; Notice of Amendment to Filing**

October 13, 2004.

Take notice that on October 7, 2004, Buckeye Power Generating, LLC (BPG) submitted an amendment to its August 30, 2004 filing of a Power Purchase Agreement between BPG and Buckeye Power, Inc. (BPI) in Docket No. ER04-1157-000. BPG requests that the effective date for the rate schedule comprising the Power Purchase Agreement be changed from May 17, 2004 to October 30, 2004.

BPG states that copies of the filing have been served on BPI and the Public Utilities Commission of Ohio.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant and all the parties in this proceeding.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive e-mail notification when a

document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail FERCOnlineSupport@ferc.gov, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Comment Date: 5 p.m. Eastern Time on October 28, 2004.

Linda Mitry,

Acting Secretary.

[FR Doc. E4-2940 Filed 10-29-04; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission****[Docket No. ER04-1223-000]****Dynegy Power Marketing, Inc.; Notice of Filing**

September 17, 2004.

Take notice that on September 10, 2004, Dynegy Power Marketing, Inc. (Dynegy) pursuant to section 205 of the Federal Power Act (FPA), 16 U.S.C. 824d, and part 35 of the Commission's regulations, 18 CFR part 35, submitted for filing modifications to its market-based rate authority associated with the pending termination of its corporate affiliation with Illinois Power Company. Dynegy seeks to modify its tariff, which currently contains certain limitations on sales of capacity and energy to Illinois Power and a related Code of Conduct.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission,

888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail FEROnlineSupport@ferc.gov, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Comment Date: 5 p.m. eastern time on September 27, 2004.

Magalie R. Salas,
Secretary.

[FR Doc. E4-2928 Filed 10-29-04; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. TX05-1-000]

East Kentucky Power Cooperative, Inc.; Notice of Filing

October 7, 2004.

Take notice that on October 1, 2004, East Kentucky Power Cooperative, Inc. (EKPC) submits an application for an order requiring the Tennessee Valley Authority (TVA) to interconnect the TVA transmission System with EKPC's transmission system pursuant to sections 210 and 212 of the Federal Power Act.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>.

Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail FEROnlineSupport@ferc.gov, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Comment Date: 5 p.m. Eastern Time on November 1, 2004.

Linda Mitry,
Acting Secretary.

[FR Doc. E4-2950 Filed 10-29-04; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EG04-100-000]

Mankato Energy Center, LLC; Notice of Application for Commission Determination of Exempt Wholesale Generator Status

September 17, 2004.

Take notice that on September 14, 2004, Mankato Energy Center, LLC (Applicant), c/o Calpine Corporation, 50 W. San Fernando Street, San Jose, CA 95113, filed with the Federal Energy Regulatory Commission (Commission) an application for determination of exempt wholesale generator status pursuant to part 365 of the Commission's regulations. Applicant states that it is a Delaware limited liability company, and that it proposes to own and operate an approximately 730 megawatt natural gas-fired combined cycle electric generating facility to be located in Mankato, Blue Earth County, Minnesota.

Applicant further states that copies of the application were served upon the United States Securities and Exchange Commission and Minnesota Public Utilities Commission.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by

the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail FEROnlineSupport@ferc.gov, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Comment Date: 5 p.m. eastern time on October 6, 2004.

Magalie R. Salas,
Secretary.

[FR Doc. E4-2924 Filed 10-29-04; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER05-26-000]

Mirant Kendall, LLC and Mirant Americas Energy Marketing, L.P.; Notice of Filing

October 13, 2004.

Take notice that on October 7, 2004, Mirant Kendall, LLC (Mirant Kendall) and Mirant Americas Energy Marketing, L.P. (MAEM) (together, Applicants) submitted for filing, a Reliability Must Run Agreement (the RMR Agreement) among Mirant Kendall, MAEM and ISO New England Inc. (ISO-NE) for a 19 MW steam turbine, a 22 MW steam turbine, and a 20 MW jet turbine located at a

generating facility owned and operated by Mirant Kendall in Cambridge, Massachusetts. Applicants request an effective date of October 8, 2004.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail FERCOnlineSupport@ferc.gov, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Comment Date: 5 p.m. Eastern Time on October 28, 2004.

Linda Mitry,

Acting Secretary.

[FR Doc. E4-2944 Filed 10-29-04; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER05-3-000]

New England Power Pool; Notice of Filing

October 7, 2004.

Take notice that on October 1, 2004, the New England Power Pool (NEPOOL) Participants Committee submitted the One Hundred Eighth Agreement Amending New England Power Pool Agreement (108th Agreement) which amends the NEPOOL Tariff in order to reduce to zero the Through or Out service charge for transactions through or out of NEPOOL that have the New York control area boundary as their point of delivery. NEPOOL requests an effective date of December 1, 2004.

NEPOOL Participants Committee and ISO-NE state that copies of these materials were sent to the NEPOOL Participants and the New England state governors and regulatory commissions.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC

Online service, please email FERCOnlineSupport@ferc.gov, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Comment Date: 5 p.m. Eastern Time on October 22, 2004.

Linda Mitry,

Acting Secretary.

[FR Doc. E4-2951 Filed 10-29-04; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EG04-101-000]

Northeast Energy Associates, a Limited Partnership; Notice of Application for Commission Determination of Exempt Wholesale Generator Status

September 17, 2004.

Take notice that on September 15, 2004, Northeast Energy Associates, a Limited Partnership, (Northeast) with its principal office at 700 Universe Blvd., Juno Beach, Florida 33408, filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to part 365 of the Commission's regulations. Northeast states that it is a Delaware limited liability company engaged directly and exclusively in the business of owning and operating an approximately 300 MW natural gas-fired generation facility located in Bellingham, Massachusetts. Northeast further states that the electric energy produced by the facility will be sold at wholesale.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the

"eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail FERCOnlineSupport@ferc.gov, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Comment Date: 5 p.m. eastern time on October 6, 2004.

Magalie R. Salas,
Secretary.

[FR Doc. E4-2925 Filed 10-29-04; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER98-2270-003]

PEI Power Corporation; Notice of Filing

September 17, 2004.

Take notice that on August 27, 2004, PEI Power Corporation (PEI Power), tendered for filing with the Federal Energy Regulatory Commission (Commission), a Triennial Revised Market Analysis.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant and all parties to this proceeding.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically

should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail FERCOnlineSupport@ferc.gov, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Comment Date: 5 p.m. eastern time on September 27, 2004.

Magalie R. Salas,
Secretary.

[FR Doc. E4-2922 Filed 10-29-04; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER96-1551-008 and ER01-615-005]

Public Service Company of New Mexico; Notice of Filing

October 13, 2004.

Take notice that on October 7, 2004, Public Service Company of New Mexico (PNM) tendered for filing a supplement to its revised generation market power study submitted on August 11, 2004, in Docket Nos. ER96-1551-007 and ER01-615-004. PNM states that the purpose of its filing is to incorporate into its analysis new or more detailed information included in the El Paso Electric Company and Arizona Public Service Company generation market power studies, as well as to correct data and/or calculation errors discovered since PNM submitted its August 11 filing.

PNM states that copies of the filing were served on parties on the official service lists in the above-captioned proceedings.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to

become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant and all the parties in this proceeding.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail FERCOnlineSupport@ferc.gov, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Comment Date: 5 p.m. eastern time on October 28, 2004.

Linda Mitry,
Acting Secretary.

[FR Doc. E4-2935 Filed 10-29-04; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EG97-66-000]

Sky River Partnership; Notice of Change in Status

October 13, 2004.

Take notice that on October 7, 2004, Sky River Partnership filed with the Federal Energy Regulatory Commission a Change in Status regarding its application for determination of exempt wholesale generator status pursuant to part 365 of the Commission's regulations.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to

become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email FERCOnlineSupport@ferc.gov, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Comment Date: 5 p.m. Eastern Time on October 28, 2004.

Linda Mitry,
Acting Secretary.

[FR Doc. E4-2937 Filed 10-29-04; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EC05-4-000]

USGen New England, Inc., Dominion Energy New England, Inc., Dominion Energy Marketing, Inc., Dominion Energy Salem Harbor, LLC, Dominion Energy Brayton Point, LLC, Dominion Energy Manchester Street, Inc.; Notice of Filing

October 13, 2004.

Take notice that on October 8, 2004, the above-referenced Applicants submitted an application pursuant to section 203 of the Federal Power Act for authorization of a disposition of jurisdictional facilities whereby USGen New England, Inc., is selling, and Dominion Energy New England, Inc., is purchasing certain fossil generating assets in Massachusetts and Rhode

Island and various wholesale power sales agreements pursuant to a cash sale. Applicants state that the generating assets and related interconnection facilities at the Salem Harbor Station, the Brayton Point Station, and the Manchester Street Station, have a combined net capacity of 2,834 MW, and will be owned by Dominion Energy Salem Harbor, LLC, Dominion Energy Brayton Point, LLC, and Dominion Energy Manchester Street, Inc., respectively. Applicants further state that the various wholesale power sales agreements will be transferred to Dominion Energy Marketing, Inc.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicants. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicants.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail FERCOnlineSupport@ferc.gov, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Comment Date: 5 p.m. eastern time on October 29, 2004.

Linda Mitry,
Acting Secretary.

[FR Doc. E4-2936 Filed 10-29-04; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER04-1013-002 and ER98-3030-004]

Wheelabrator Westchester, L.P.; Notice of Filing

October 13, 2004.

Take notice that on October 1, 2004, Wheelabrator Westchester, L.P. (Westchester) tendered for filing with the Commission an amended Uncommitted Pivotal Supplier Analysis and an Amended Uncommitted Wholesale Market Share Analysis in conjunction with the triennial market power updates filed on July 12, 2004, and August 12, 2004.

Westchester states that it has served a copy of this filing on the Commission's official service list in Docket Nos. ER98-3030-000 and ER04-1013-000.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant and all the parties in this proceeding.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail FERCOnlineSupport@ferc.gov, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Comment Date: 5 p.m. eastern time on October 22, 2004.

Linda Mitry,

Acting Secretary.

[FR Doc. E4-2939 Filed 10-29-04; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL00-95-000, et al.]

Notice Establishing Due Dates for Filing Comments on the October 7, 2004 Technical Conference

October 13, 2004.

San Diego Gas & Electric Company, Complainant v. Sellers of Energy and Ancillary Services Into Markets Operated by the California Independent System Operator and the California Power Exchange, Respondents [Docket No. EL00-95-000].

Investigation of Practices of the California Independent System Operator and the California Power Exchange [Docket No. EL00-98-000, et al.]

California Independent System Operator Corporation [Docket No. ER03-746-000, et al.]

On October 7, 2004, the Federal Energy Regulatory Commission Staff held a technical conference to discuss with the California Independent System Operator Corporation (CAISO) and market participants and to facilitate a better understanding of several aspects of the CAISO's proposed methodology for allocating the fuel cost allowance, including: The netting of sales and purchases, the CAISO's proposed format for submitting fuel cost allowance claims, the impact of private settlements on fuel cost allowance allocation, and other miscellaneous issues.

As previously announced at the technical conference, interested participants should submit comments arising from the discussions at the October 7, 2004 technical conference no later than October 15, 2004. Reply comments should be filed no later than October 20, 2004.

In the event that the auditor Ernst & Young has questions and concerns regarding the auditing process, it should submit them as part of comments following the technical conference no later than October 15, 2004, to provide other participants with the opportunity to comment and to allow the

Commission to address these questions in a future order.

Linda Mitry,

Acting Secretary.

[FR Doc. E4-2938 Filed 10-29-04; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AD04-10-000]

Enhanced Reporting of Natural Gas Storage Inventory Information; Technical Conference and Agenda

September 17, 2004.

As announced on August 2, 2004, the Federal Energy Regulatory Commission (Commission) will hold a technical conference on September 28, 2004 at 9:30 a.m. (e.s.t.) in the Commission Meeting Room at the Commission's headquarters, 888 First Street, NE., Washington, DC.

The conference is intended to explore whether the Commission should institute a generic rulemaking to require interstate natural gas pipeline companies and other owners and operators of natural gas storage facilities to electronically post each day actual natural gas storage inventory levels on their systems for the preceding day. Specifically, the technical conference will look into the feasibility, usefulness and appropriateness of requiring posting on a standardized basis for the previous gas day: (1) Net aggregate actual injection or withdrawal data; (2) actual total available working gas; and (3) actual total storage inventory volume. The Commission's staff will conduct the conference and members of the Commission and guest Commissioners may attend.

Agenda for the Conference

William Hederman, Director, Office of Market Oversight & Investigations
Opening Remarks 9:30 to 9:35 a.m.

John Kroeger, OMOI, Division of Enforcement

Introduction to the Technical Conference 9:35 to 9:50 a.m.

Elizabeth Campbell, Director, Natural Gas Division, Energy Information Administration 9:50 to 10:10 a.m.

Panel 1: Interstate Storage Operators and Customers: 10:10 to 11 a.m.

Process, Costs and Benefits

Discussion of the feasibility, usefulness and appropriateness of posting on a standardized basis for the previous gas day: (1) Net aggregate actual injection or withdrawal data; (2)

actual total available working gas; and (3) actual total storage inventory volume. Speakers will discuss costs of daily reporting, how the accuracy of reporting can be assured, and how corrections or adjustments to reported activity would be made. Speakers will also discuss the value of daily reporting and the benefits that pipeline customers and gas traders might receive from enhanced and timelier reporting.

- Anne Bomar, Managing Director of Rates, Dominion Transmission Inc.

- Jeff Keck, Manager of Operations Control, ANR.

- Arthur Corbin, President & General Manager, Municipal Gas Authority of Georgia (on behalf of American Public Gas Association).

- Gary Chapman, Senior Commercial Representative, Dow Chemical Co. (on behalf of Industrial Energy Consumers of America).

Question and Answers 11 to 11:30 a.m.

Lunch 11:30 a.m. to 12:30 p.m.

Panel 2: Intrastate and Local

Distribution Company Storage

Operators: Process, Costs and Benefits 12:30 to 1:20 p.m.

Speakers are asked to address the same issues addressed by members of Panel 1. In addition, speakers are requested to address concerns triggered by the prospect of enhanced reporting that may be germane to the often differing obligations and business purposes of intrastate pipelines and local distribution companies relative to interstate pipeline companies. These concerns may include gas purchase activities and the legal authority of the Commission to impose enhanced reporting requirements on intrastate pipelines and local distribution companies that provide service pursuant to subpart C of part 284 of the Commission's regulations.

- Thomas Pearce, Chair of the Gas Staff Subcommittee of the National Association of Regulatory Utility Commissioners (NARUC).

- Rick Daniel, President, EnCana Gas Storage.

- Leonard Gilmore, Manager of Pipeline Regulation and Supply Planning, Northern Illinois Gas Company.

- David Taylor, Director of Gas Operations, Southern California Gas Company.

- Tim Oaks, Manager of Federal Regulatory Affairs & Contract Administration, UGI Utilities, Inc. (on behalf of the American Gas Association).

Questions and Answers 1:20 to 1:50 p.m.

Panel 3: Use of Storage Data 2 to 3 p.m.

Will daily posting contribute to market efficiency and reduce price volatility which occurs immediately following the EIA's release of its weekly storage report? Speakers will also discuss the value/benefits of enhanced reporting. Speakers will further discuss how storage inventory information is used and how that use might change with enhanced reporting.

- Robert Levin, Senior Vice President & Chief Economist, NYMEX Research Department.

- Rebecca Followill, Vice President, Howard Weil.

- Jim Avioli, Assets Manager—Natural Gas Storage, Unocal Midstream & Trade (on behalf of Natural Gas Supply Association).

- Martin Marz, Manager of Regulatory Affairs, BP Amoco.

- Arthur Gelber, President, Gelber and Associates.

Questions and Answers 3 to 3:30 p.m.

Concluding Remarks 3:35 to 3:45 p.m.

* * * * *

As noted in the August 2, 2004, announcement of this conference, there is no charge to attend and no requirement to register in advance. The conference will be transcribed. Those interested in acquiring the transcript should contact Ace Reporters at (202) 347-3700 or (800) 336-6646. Transcripts will be placed in the public record ten days after the Commission receives them.

Capitol Connection offers the opportunity for remote listening and viewing of the conference. It is available for a fee, live over the Internet, by phone or via satellite. Persons interested in receiving the broadcast or who need information on making arrangements should contact David Reininger or Julia Morelli at Capitol Connection at (703) 993-3100 as soon as possible or visit the Capitol Connection Web site at <http://www.capitolconnection.org> and click on "FERC."

Magalie R. Salas,
Secretary.

[FR Doc. E4-2929 Filed 10-29-04; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AD04-9-001]

Billing Procedures for Annual Charges for the Costs of Other Federal Agencies for Administering Part I of the Federal Power Act; Notice Issuing Revised Form for Other Federal Agency Cost Submission

September 17, 2004.

By order dated June 18, 2004, the Commission acted on certain issues remanded to it by the court in *City of Tacoma, WA et al. v. FERC*, 331 F.3d 106 (D.C. Cir. 2003). In this case, the court concluded that the Commission is required to determine the reasonableness of costs incurred by other Federal agencies (OFA's) pertaining to their participation in FERC proceedings under Part I of the Federal Power Act when OFA's seek to include such costs in the administrative annual charges licensees must pay to reimburse the United States for the cost of administering Part I. The Commission's June 18 Order, among other things, introduced a proposed new form to be used in submitting OFA costs. 107 FERC ¶ 61,277.

By separate notice also dated June 18, the Commission stated that the form would be finalized in a technical conference. On August 13, 2004, the Commission issued a notice announcing the final OFA form.

The purpose of the instant notice is to issue a revised OFA form, as attached. This revised OFA form is posted on the Commission's Web site at <http://www.ferc.gov/docs-filing/hard-filing/ofa/ofa-form.doc>.

Magalie R. Salas,
Secretary.

[FR Doc. E4-2923 Filed 10-29-04; 8:45 am]

BILLING CODE 6717-01-P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisition of Shares of Bank or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal

Reserve Bank indicated. The notices also will be available for inspection at the office of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than November 15, 2004.

A. Federal Reserve Bank of Boston
(Richard Walker, Community Affairs Officer) 600 Atlantic Avenue, Boston, Massachusetts 02106-2204:

1. *George Arthur Giovanis*, Biddeford, Maine; to retain voting shares of Pepperell Bancshares Financial Group, Inc., Biddeford, Maine, and thereby indirectly retain voting shares of Pepperell Bank and Trust, Biddeford, Maine.

B. Federal Reserve Bank of Kansas City (Donna J. Ward, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198-0001:

1. *Billy Grant Taylor and Raymond Davis King, Jr.*, both of Muskogee, Oklahoma, as co-trustees of the Richard Glen Armstrong, Margaret R. Armstrong, and Glen A. Armstrong Trusts; to acquire additional voting shares of Armstrong Bancshares, Inc., Muskogee, Oklahoma, and thereby indirectly acquire additional voting shares of Armstrong Bank, Muskogee, Oklahoma.

Board of Governors of the Federal Reserve System, October 26, 2004.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 04-24297 Filed 10-29-04; 8:45 am]

BILLING CODE 6210-01-S

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in

writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than November 26, 2004.

A. Federal Reserve Bank of Boston (Richard Walker, Community Affairs Officer) 600 Atlantic Avenue, Boston, Massachusetts 02106-2204:

1. *Webster Financial Corporation, and Webster Bank, National Association*, both of Waterbury, Connecticut; to acquire 100 percent of the voting shares of Eastern Wisconsin Bancshares, Inc., Howards Grove, Wisconsin, and thereby indirectly acquire State Bank of Howards Grove, Howards Grove, Wisconsin.

B. Federal Reserve Bank of Minneapolis (Jacqueline G. Nicholas, Community Affairs Officer) 90 Hennepin Avenue, Minneapolis, Minnesota 55480-0291:

1. *Independent Bancshares, Inc.*, Clarkfield, Minnesota; to merge with Clarkfield Holding Company, Clarkfield, Minnesota, and thereby indirectly acquire Farmers and Merchants State Bank of Clarkfield, Clarkfield, Minnesota.

C. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 2200 North Pearl Street, Dallas, Texas 75201-2272:

1. *First Live Oak Bancshares, Inc.*, Three Rivers, Texas, and *First Live Oak Delaware Bancshares, Inc.*, Wilmington, Delaware; to become bank holding companies by acquiring 100 percent of First State Bank, Three Rivers, Texas.

Board of Governors of the Federal Reserve System, October 26, 2004.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 04-24296 Filed 10-29-04; 8:45 am]

BILLING CODE 6210-01-S

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than November 26, 2004.

A. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 2200 North Pearl Street, Dallas, Texas 75201-2272:

1. *IB Bancshares, Inc.*, McKinney, Texas, and *VB Bancshares, Inc.*, New Castle, Delaware; to acquire 100 percent of the voting shares of First Celina Corporation, Celina, Texas, and thereby indirectly acquire The First State Bank, Celina, Texas.

Board of Governors of the Federal Reserve System, October 27, 2004.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 04-24351 Filed 10-29-04; 8:45 am]

BILLING CODE 6210-01-S

FEDERAL RESERVE SYSTEM

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

TIME AND DATE: 10:00 a.m., Thursday, November 4, 2004.

PLACE: Marriner S. Eccles Federal Reserve Board Building, 20th Street entrance between Constitution Avenue and C Streets, N.W., Washington, D.C. 20551.

STATUS: Open

We ask that you notify us in advance if you plan to attend the open meeting and provide your name, date of birth, and social security number (SSN) or passport number. You may provide this information by calling (202) 452-2474 or you may **register on-line**. You may pre-register until close of business November 3, 2004. You also will be asked to provide identifying information, including a photo ID, before being admitted to the Board meeting. The Public Affairs Office must approve the use of cameras; please call (202) 452-2955 for further information.

PRIVACY ACT NOTICE: Providing the information requested is voluntary; however, failure to provide your name, date of birth, and social security number or passport number may result in denial of entry to the Federal Reserve Board. This information is solicited pursuant to Sections 10 and 11 of the Federal Reserve Act and will be used to facilitate a search of law enforcement databases to confirm that no threat is posed to Board employees or property. It may be disclosed to other persons to evaluate a potential threat. The information also may be provided to law enforcement agencies, courts and others, but only to the extent necessary to investigate or prosecute a violation of law.

MATTER TO BE CONSIDERED:

Summary Agenda: Because of its routine nature, no discussion of the following item is anticipated. The matter will be voted on without discussion unless a member of the Board requests that the item be moved to the discussion agenda.

1. Proposed 2005 Private Sector Adjustment Factor.

Discussion Agenda:

2. Proposed 2005 fee schedules for priced services and electronic access.

3. Any items carried forward from a previously announced meeting.

NOTE: This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information

Office and copies may be ordered for \$ 6 per cassette by calling 202-452-3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

FOR FURTHER INFORMATION CONTACT:

Michelle A. Smith, Assistant to the Board; 202-452-2955.

SUPPLEMENTARY INFORMATION: You may call 202-452-3206 for a **recorded announcement** of this meeting; or you may contact the Board's Web site at <http://www.federalreserve.gov> for an **electronic announcement**. (The Web site also includes procedural and other information about the open meeting.)

Board of Governors of the Federal Reserve System, October 28, 2004.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 04-24431 Filed 10-28-04; 1:23 pm]

BILLING CODE 6210-01-S

GENERAL SERVICES ADMINISTRATION

OMB Control No. 3090-0058

Information Collection; Deposit Bond Individual, Annual Sale of Government Personal Property, Standard Form (SF) 151

AGENCY: Federal Supply Service, GSA.

ACTION: Notice of request for comments regarding a renewal to an existing OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the General Services Administration will be submitting to the Office of Management and Budget (OMB) a request to review and approve a renewal of a currently approved information collection requirement regarding deposit bond individual, annual sale of Government personal property; Standard Form (SF) 151.

Public comments are particularly invited on: Whether this collection of information is necessary and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected.

DATES: Submit comments on or before: January 3, 2005.

FOR FURTHER INFORMATION CONTACT: Ms. Iris Wright-Simpson, Property Disposition Specialist, Personal Property Center, by telephone at (703) 305-7011 or via email to iris.wright-simpson@gsa.gov.

ADDRESSES: Submit comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to the Regulatory Secretariat (V), General Services Administration, Room 4035, 1800 F Street, NW., Washington, DC 20405. Please cite OMB Control No. 3090-0058; Deposit Bond Individual, Annual Sale of Government Personal Property; Standard Form (SF) 151.

SUPPLEMENTARY INFORMATION:

A. Purpose

SF 151 is used by bidders participating in sales of Government personal property whenever the sales invitation permits an annual type of deposit bond in lieu of cash or other form of deposit.

B. Annual Reporting Burden

Respondents: 1000

Responses Per Respondent: 1

Total Responses: 1000

Hours Per Response: .25

Total Burden Hours: 250

OBTAINING COPIES OF

PROPOSALS: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat (V), 1800 F Street, NW., Room 4035, Washington, DC 20405, telephone (202) 208-7312. Please cite OMB Control No. 3090-0058, Deposit Bond Individual, Annual Sale of Government Personal Property; Standard Form (SF) 151, in all correspondence.

Dated: October 26, 2004

Michael W. Carleton,

Chief Information Officer.

[FR Doc. 04-24341 Filed 10-29-04; 8:45 am]

BILLING CODE 6820-89-S

GENERAL SERVICES ADMINISTRATION

Public Buildings Service; Region 10 Notice of Intent To Prepare an Environmental Impact Statement

ACTION: The General Services Administration (GSA) hereby gives notice that it intends to prepare an Environmental Impact Statement (EIS) pursuant to the requirements of the National Environmental Policy Act (NEPA) of 1969, and the President's Council on Environmental Quality Regulations (40 CFR parts 1500-1508), for the construction of a new Port of Entry facility at Peace Arch in the City of Blaine, Whatcom County, Washington.

PROCEDURES: This project is at the planning stage and design and site

acquisition funding has been approved by Congress. A public informational meeting and a NEPA scoping meeting will be held to ensure that all significant environmental issues are identified and thoroughly studied as part of the environmental analysis.

The EIS will evaluate the proposed project, including all reasonable alternatives identified through the scoping process and a no-action alternative. The scoping notification process of the date of the meeting will be accomplished through direct mailing correspondence to interested persons, agencies, and organizations, and notices in the local newspaper. There will first be an open house meeting in Blaine, Washington on November 16th, 2004 at 6:30 p.m. so that the public can review the proposed alternative plans for the new Peace Arch Port of Entry facility. Subsequently, there also will be a NEPA public scoping meeting on November 30th at 6:30 p.m. to be held in Blaine, Washington so that GSA can receive input and comments from concerned parties. Both meetings will be held at the Blaine Community Senior Center, 763 G Street in Blaine, WA. GSA will publish a public notice of the meetings in the local newspapers approximately two weeks prior to the events. Scoping will be limited to identifying significant issues to be analyzed in the environmental document and commenting on alternatives and the merit of the proposal.

Additional public meetings will be held after the release of the Draft Environmental Impact Statement and GSA will respond to all relevant comments to the draft EIS received during the 45-day public comment period in the Final Environmental Impact Statement. After a minimum 30-day period following publication of the Final Environmental Impact Statement, GSA will issue a Record of Decision that will identify the alternative selected.

SUPPLEMENTARY INFORMATION: GSA, assisted by Herrera Environmental Consultants, will prepare the Environmental Impact Statement. GSA is the lead agency in conducting the NEPA study with United States Department of Transportation—Federal Highways Administration and Washington State Department of Transportation serving as cooperating agencies. Scoping will be conducted consistent with NEPA regulations and guidelines. GSA invites interested individuals, organizations, and federal, state, and local agencies to participate in defining and identifying any significant impacts and issues to be studied in the EIS.

Project Purpose, Historical Background, and Description: The U.S. Department of Homeland Security is currently located in the existing Peace Arch Port of Entry facility. The existing facility does not currently meet the tenant agencies space or mission requirements. The existing facility cannot be adapted to accommodate the required space needs of the agency tenants.

Alternatives: The EIS will examine the short- and long-term impacts on the natural and physical environment. The impact assessment will include but not be limited to impacts such as social environment, changes in land use, aesthetics, changes in adjacent park land, changes in traffic patterns and access to the "D" street intersection, economic impacts, and consideration of City planning and zoning requirements.

The EIS will examine measures to mitigate significant adverse impacts resulting from the proposed action. Concurrent with NEPA implementation, GSA will also implement its consultation responsibilities under section 106 of the National Historical Preservation Act to identify potential impacts to existing historic or cultural resources.

The EIS will consider a no-action alternative and action alternatives. The no-action alternative would continue the occupancy in the existing Peace Arch Port of Entry facility in Blaine. The action alternatives will consist of three different configurations for construction of a new Port of Entry facility.

ADDRESSES: In addition to the public scoping process, you may send written comments on the scope of alternatives and potential impacts to the following address: Michael D. Levine, Regional Environmental Program Analyst, 10PDTB, General Services Administration, 400 15th Street SW., Auburn, WA, 98001, or fax: Michael D. Levine at 253-931-7308, or e-mail at Michael.Levine@GSA.GOV. Written comments should be received no later than 45 days after the publishing of this notice.

FOR FURTHER INFORMATION CONTACT: John Meerscheidt at Herrera Environmental Consultants, 2200 Sixth Ave., Suite 601, Seattle, Washington 98121 or call 206-441-9080; or Michael D. Levine, GSA (253) 931-7263.

MAILING LIST: If you wish to be placed on the project mailing list to receive further information as the EIS process develops, contact John Meerscheidt at the address noted above.

Dated: October 15, 2004.

William L. Dubray,

Executive Director (10A).

[FR Doc. 04-24330 Filed 10-29-04; 8:45 am]

BILLING CODE 6820-23-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Advisory Commission on Childhood Vaccines; Notice of Meeting

In accordance with section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of the following meeting:

Name: Advisory Commission on Childhood Vaccines (ACCV).

Date and Time: November 10, 2004, 9 a.m.-2:30 p.m., e.d.t.

Place: Audio Conference Call and Parklawn Building, Conference Rooms G & H, 5600 Fishers Lane, Rockville, MD 20857.

The full ACCV will meet on Wednesday, November 10, from 9 a.m. to 2:30 p.m. The public can join the meeting in person at the address listed above or by audio conference call by dialing 1-888-730-9135 on November 10 and providing the following information:

Leader's Name: Joyce Somsak.

Password: ACCV.

Agenda: The agenda items for November will include, but are not limited to: An update on changing the Vaccine Injury Table; an overview of the National Vaccine Program Office's Public Participating Workgroup Meeting; Meeting on Models for Enhancing Public Involvement; and updates from the Division of Vaccine Injury Compensation, the Department of Justice, and the National Vaccine Program Office. Agenda items are subject to change as priorities dictate.

Public Comments: Persons interested in providing an oral presentation should submit a written request, along with a copy of their presentation to: Ms. Cheryl Lee, Principal Staff Liaison, Division of Vaccine Injury Compensation, Healthcare Systems Bureau, Health Resources and Services Administration, Room 11C-26, 5600 Fishers Lane, Rockville, MD 20857 or e-mail clee@hrsa.gov. Requests should contain the name, address, telephone number, and any business or professional affiliation of the person desiring to make an oral presentation. Groups having similar interests are requested to combine their comments and present them through a single representative. The allocation of time may be adjusted to accommodate the level of expressed interest. The Division of Vaccine Injury Compensation will notify each presenter by mail or telephone of their assigned presentation time. Persons who do not file an advance request for a presentation, but desire to make an oral statement, may announce it at the time of the comment period. These persons will be allocated time as time permits.

FOR FURTHER INFORMATION CONTACT:

Anyone requiring information regarding the ACCV should contact Ms. Cheryl Lee, Principal Staff Liaison, Division of Vaccine Injury Compensation, Healthcare Systems Bureau, Health Resources and Services Administration, Room 11C-26, 5600 Fishers Lane, Rockville, Maryland 20857; telephone (301) 443-2124 or e-mail clee@hrsa.gov.

Dated: October 26, 2004.

Tina M. Cheatham,

Director, Division of Policy Review and Coordination.

[FR Doc. 04-24307 Filed 10-29-04; 8:45 am]

BILLING CODE 4165-15-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day-04-04JJ]

Proposed Data Collections Submitted for Public Comment and Recommendations

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. chapter 35). To request a copy of these requests, call the CDC Reports Clearance Officer at (404) 498-1210 or send an e-mail to omb@cdc.gov. Send written comments to CDC Desk Officer, Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 or by fax to (202) 395-6974. Written comments should be received within 30 days of this notice.

Proposed Project

Evaluation of Efficacy of Household Water Filtration/Treatment Devices in Households with Private Wells—New—National Center for Environmental Health (NCEH), Centers for Disease Control and Prevention (CDC).

Approximately 42.4 million people in the United States are served by private wells. Unlike community water systems, private wells are not regulated by the U.S. Environmental Protection Agency's (EPA) Safe Drinking Water Act (SDWA). Under the SDWA, EPA sets maximum contaminant levels (MCLs) for contaminants in drinking water. A 1997 U.S. General Accounting Office (GAO) report on drinking water concluded that users of private wells may face higher exposure levels to groundwater contaminants than users of community water systems. Increasingly, the public is concerned about drinking water

quality, and the public's use of water treatment devices rose from 27% in 1995 to 41% in 2001 (Water Quality Association, 2001 National Consumer Water Quality Survey). Studies evaluating the efficacy of water treatment devices on removal of pathogens and other contaminants have assessed the efficacy of different treatment technologies.

The purpose of the proposed study is to evaluate how water treatment device efficacy is affected by user behaviors such as maintenance and selection of appropriate technologies. Working with

public health authorities in Florida, Colorado, Maine, Missouri, Nebraska, New Jersey, and Wisconsin, NCEH will recruit 600 households to participate in a study to determine whether people using water treatment devices are protected from exposure to contaminants found in their well water. We plan to recruit households that own private wells and use filtration/treatment devices to treat their tap water for cooking and drinking. Study participants will be selected from geographical areas of each state where

groundwater is known or suspected to contain contaminants of public health concern. We will administer a questionnaire at each household to obtain information on selection of water treatment type, adherence to suggested maintenance, and reasons for use of treatment device. We will also obtain samples of treated water and untreated well water at each household to analyze for contaminants of public health concern. The estimated annualized burden is 300 hours. There are no costs to respondents.

Respondents	Number of respondents	Number of responses per respondent	Average burden per response (in hrs.)
Study Solicitation Questionnaire	1200	1	5/60
Household Questionnaire	600	1	20/60

Dated: October 26, 2004.

B. Kathy Skipper,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 04-24317 Filed 10-29-04; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day-04-04KH]

Proposed Data Collections Submitted for Public Comment and Recommendations

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. chapter 35). To request a copy of these requests, call the CDC Reports Clearance Officer at (404) 498-1210 or send an e-mail to omb@cdc.gov. Send written comments to CDC Desk Officer, Human Resources and Housing Branch, New Executive Office Building, Room 10235,

Washington, DC 20503 or by fax to (202) 395-6974. Written comments should be received within 30 days of this notice.

Proposed Project

ACHES (Arthritis Conditions Health Effects Survey)—New—National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention (CDC).

Background

Arthritis and other rheumatic conditions are among the most prevalent diseases and are the most frequent cause of disability in the United States. Health care costs for arthritis were estimated at \$86.2 billion for 1997. In 2001, an estimated 33% of U.S. adults (70 million) reported prior diagnosis of arthritis or chronic joint symptoms. As the U.S. population increasingly "grays," the economic and disability burden from arthritis will only grow.

Fortunately, arthritis can be successfully managed and its impacts lessened. Exercise, weight loss, medications, joint replacement surgeries and educational and sociobehavioral interventions can decrease pain as well

as improve physical function and quality of life. Ultimately, this will reduce health care costs. Unfortunately, relatively little is known nationally about persons with arthritis or chronic joint symptoms to better target these interventions. Current national health surveys and databases have extremely limited coverage about arthritis and the myriad of issues surrounding the conditions.

CDC plans to conduct ACHES (Arthritis Conditions Health Effects Survey) to close the information gaps about arthritis. ACHES is a national random digit dial telephone survey dedicated solely to arthritis for the purpose of gathering information on symptoms, limitations, physical functioning levels, effects of arthritis on work, knowledge and attitudes about arthritis, self management of arthritis, current physical activity, anxiety, depression, and demographics of 4,500 persons age 45 years and older with arthritis. 2,250 respondents will be interviewed each year in this two-year study. The information from it will be used to better direct and target national arthritis control efforts. There are no costs to respondents. The approximate annualized burden is 1,750 hours.

Respondents	Form name	Number of respondents	Number of responses/respondent	Avg. burden/response (in hrs.)
Adult	Screening & Consent	12,500	1	3/60
Adult ≥ 45 years with arthritis	Survey Instrument	2,250	1	30/60

Dated: October 26, 2004.
B. Kathy Skipper,
Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.
[FR Doc. 04–24318 Filed 10–29–04; 8:45 am]
BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–04–0422X]

Proposed Data Collections Submitted for Public Comment and Recommendations

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. chapter 35). To request a copy of these requests, call the CDC Reports Clearance Officer at (404) 498–1210 or send an e-mail to omb@cdc.gov. Send written comments to CDC Desk Officer, Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 or by fax to (202) 395–6974. Written comments should be received within 30 days of this notice.

Proposed Project

Indicators of the Performance of Local and State Education Agencies in HIV

Prevention and Coordinated School Health Program Activities for Adolescent and School Health Programs—New—National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention (CDC). This proposed project is an annual Web-based questionnaire to assess programmatic activities among local, state and territorial education agencies (LEA, SEA and TEA) funded by CDC, NCCDPHP, Division of Adolescent and School Health (DASH).

Currently, CDC does not fund a standardized annual reporting process within NCCDPHP that assesses HIV prevention activities or coordinated school health program (CSHP) activities among LEAs, SEAs and TEAs. Data gathered from this questionnaire will: (1) Provide standardized information about how HIV prevention and CSHP funds are used by LEAs, SEAs and TEAs; (2) assess the extent to which programmatic adjustments are indicated; (3) provide descriptive and process information about program activities; and (4) provide greater accountability for use of public funds.

There will be three Web-based questionnaires corresponding to the specific funding sources from the CDC, NCCDPHP, DASH. Two questionnaires pertain to HIV prevention program activities among LEAs, SEAs and TEAs. The third questionnaire pertains to CSHP activities among SEAs.

The two HIV questionnaires will include questions on:

- Distribution of professional development and individualized technical assistance on school policies;
- Distribution of professional development and individualized technical assistance on education curricula and instruction;
- Distribution of professional development and individualized technical assistance assessment of student standards;
- Collaboration with external partners;
- Targeting priority populations;
- Planning and improving projects; and
- Information about additional program activities.

The third questionnaire, CSHP, will also ask the questions above; however, it will focus on physical activity, nutrition, and tobacco-use prevention activities. It will include additional questions on:

- Joint activities of the State Education Agency and State Health Agency (SHA);
- Activities of the CSHP state-wide coalition; and
- Health promotion programs and environmental approaches to Physical Activity, Nutrition and Tobacco (PANT).

There are no costs to respondents except for their time. The approximate annualized burden hours are 718.

Respondents	Number of respondents	Number of responses per respondent	Average burden per response (in hrs.)
HIV Prevention Questionnaire: Local Education Agency Officials	18	1	7
HIV Prevention Questionnaire: State & Territorial Education Agency Officials	55	1	7
CSHP Questionnaire: State Education Agency Officials	23	1	9

Dated: October 26, 2004.
B. Kathy Skipper,
Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.
[FR Doc. 04–24319 Filed 10–29–04; 8:45 am]
BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–04–0497]

Proposed Data Collections Submitted for Public Comment and Recommendations

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. chapter 35). To request a copy of these requests, call the CDC Reports Clearance

Officer at (404) 498–1210 or send an e-mail to omb@cdc.gov. Send written comments to CDC Desk Officer, Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 or by fax to (202) 395–6974. Written comments should be received within 30 days of this notice.

Proposed Project

Evaluating CDC Funded Health Department HIV Prevention Programs, OMB No. 0920–0497—Revision—National Center for HIV, STD, and TB Prevention (NCHSTP), Centers for Disease Control and Prevention (CDC).

Background

CDC is requesting approval for the continued use of three currently approved forms (under OMB Control No. 0920-0497) for collecting HIV partner counseling and referral services (PCRS) program data. The current forms expire October 31, 2004. This request is for clearance for use of these forms through April, 2006. The extension of the current forms will allow grantees to continue to collect PCRS data as they transition to the new Program Evaluation and Monitoring System (PEMS) over the next year. This clearance will also allow CDC to collect information on how federal funds are allocated by grantees for HIV prevention.

CDC funds HIV prevention projects in 65 public health agencies (50 states, 6 cities, 7 territories, Washington, DC, and

Puerto Rico) through cooperative agreements. PCRS is one of a number of public health strategies supported by CDC that is designed to control and prevent the spread of HIV.

A fundamental feature of PCRS is informing current and past partners of an HIV-infected person that they have been identified as a sex or injection-drug-paraphernalia-sharing partner, and advising them to be tested for HIV. Informing partners of their exposure to HIV is confidential, and partners are not told who reported their name, or when the reported exposure occurred. Notified partners who may not have suspected their risk can choose whether to have HIV counseling and testing. Those who choose to be tested and are found to be HIV positive can receive a medical evaluation, treatment, and prevention services designed to modify

their high risk behavior, thereby possibly reducing the number of new HIV infections.

HIV prevention programs that conduct PCRS interventions can reach significant numbers of persons at very high risk of contracting HIV. The CDC requires aggregate PCRS program data to determine if interventions are being delivered as intended, gauge the degree to which program performance indicator targets are being achieved, and help agencies improve their programs to better deliver effective PCRS. Until grantees transition to PEMS, it is essential that they be allowed to continue to collect aggregate PCRS data using the existing forms.

Each health department funded to conduct PCRS will prepare and submit aggregate PCRS data to the CDC annually.

ANNUALIZED BURDEN TABLE

Form	Number of respondents	Number of responses per respondent	Average burden per response (in hrs.)
PCRS Process Monitoring Form	65	1	2
Budget by Major Funding Activities Form	65	1	30/60
Budget by Major Providers Form	65	1	30/60

Dated: October 25, 2004.

Alvin Hall,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 04-24320 Filed 10-29-04; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Centers for Disease Control and Prevention**

[30Day-05-0214]

Proposed Data Collections Submitted for Public Comment and Recommendations

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these requests, call the CDC Reports Clearance Officer at (404) 498-1210 or send an e-

mail to omb@cdc.gov. Send written comments to CDC Desk Officer, Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 or by fax to (202) 395-6974. Written comments should be received within 30 days of this notice.

Proposed Project

2005 National Health Interview Survey, OMB No. 0920-0214—Revision—National Center for Health Statistics (NCHS), Centers for Disease Control and Prevention (CDC).

The annual National Health Interview Survey (NHIS) is a basic source of general statistics on the health of the U.S. population. Respondents to the NHIS also serve as the sampling frame for the Medical Expenditure Panel Survey which is conducted by the Agency for Healthcare Research and Quality. The NHIS has long been used by government, university, and private researchers to evaluate both general health and specific issues, such as cancer, AIDS, and access to health care. Journalists use its data to inform the general public. It will continue to be a

leading source of data for the Congressional-mandated "Health US" and related publications. NHIS is the single most important source of statistics to track progress toward the National Health Promotion and Disease Prevention Objectives, "Healthy People 2010."

The NHIS has been in the field continuously since 1957. Due to survey integration and changes in the health and health care of the U.S. population, demands on the NHIS have changed and increased, leading to a major redesign of the annual core questionnaire or Basic Module, and a shift from paper questionnaires to computer assisted personal interviews (CAPI). These redesigned elements were fully implemented in 1997. This clearance is for the ninth full year of data collection using the core questionnaire on CAPI, and for the implementation of a supplement sponsored by the National Cancer Institute. There is no cost to the respondents other than their time. The estimated annualized burden is 39,837 hours.

ANNUALIZED BURDEN TABLE

Respondents	Number of respondents	Number of responses/respondent	Average burden/response (in hrs)
Family Core (adult family member)	39,000	1	24/60
Adult Core (sample adult)	32,000	1	18/60
Adult Topical Module (sample adult)	32,000	1	18/60
Child Core (adult family member)	13,000	1	16/60
Child Topical Module (adult family member)	13,000	1	6/60
Re-interview Survey	3,250	1	5/60

Dated: October 25, 2004.

B. Kathy Skipper,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 04-24321 Filed 10-29-04; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Grants for Dissertation Awards for Doctoral Candidates for Violence-Related and Unintentional Injury Prevention Research in Minority Communities

Announcement Type: New.

Funding Opportunity Number: CE05-025.

Catalog of Federal Domestic Assistance Number: 93.136.

Key Dates:

Letter of Intent Deadline: December 1, 2004.

Application Deadline: January 31, 2005.

I. Funding Opportunity Description

Authority: This program is authorized under section 301 (a) [42 U.S.C. 241(a)] of the Public Health Service Act, and section 391 (a)[42 U.S.C. 280 b (a)] of the Public Service Health Act, as amended.

Purpose: The purposes of the program are to:

- Solicit research applications that address the priorities reflected under the heading, "Research Objectives".
- Build the scientific base for the prevention and control of injuries, disabilities, and deaths disproportionately experienced in minority communities.
- Encourage doctoral candidates from a wide spectrum of disciplines, including epidemiology, medicine, biostatistics, public health, law and criminal justice, behavioral, and social sciences to perform research in order to prevent and control injuries more effectively.

- Assist students in the completion of their dissertation research on a violence-related or unintentional injury topic.

- Encourage investigators to build research careers related to the prevention of violence-related or unintentional injuries, disabilities, and deaths in minority communities.

This program addresses the "Healthy People 2010" focus area of Injury and Violence Prevention.

A dissertation represents the most extensive research experience formulated and carried out by a doctoral candidate, with the advice and guidance of a mentor (the chair or another member of the dissertation committee). Dissertation research involves a major investment of the doctoral student's time, energy, and interest and its substance is often the basis for launching a research career. This research initiative is aimed at providing students with assistance to complete their dissertation research on a violence-related or unintentional injury topic and, thereby, increasing representation of junior investigators in violence-related or unintentional injury research.

Injuries are the number-one killer of children and young adults in the United States. They are the leading cause of years of potential life lost before age 65. More than five million people in the U.S. report suffering from chronic, injury-related disabilities, and the lives of millions of others have been dramatically affected by injuries to themselves or someone they love. Funding for research to prevent these injuries falls into two categories: violence prevention, and the prevention of unintentional injury.

Violence

Deaths and injuries associated with interpersonal violence and suicidal behavior are a major public health problem in the United States and around the world. In 1999, more than 46,000 people died from homicide and suicide in the United States. Among 15 to 24 year olds, homicide and suicide rank as the second and the third leading causes of death. Violent deaths are the

most visible consequence of violent behavior in our society. Morbidity associated with physical and emotional injuries and disabilities resulting from violence, however, also constitutes an enormous public health problem. For every homicide that occurs each year there are more than 100 non-fatal injuries resulting from interpersonal violence. For every completed suicide it is estimated that there are 20 to 25 suicide attempts. The mortality and morbidity associated with violence are associated with a variety of types of violence including child mistreatment, youth violence, intimate partner violence, sexual violence, elder abuse, and self-directed violence or suicidal behavior.

Violence has a disproportionate impact on racial and ethnic minorities. In 1999, homicide was the leading cause of death for African Americans and the second leading cause of death for Hispanics between the ages of 15 and 34. Suicide was the second leading cause of death for American Indians and Alaskan Natives and Asian and Pacific Islanders 15 to 34 years of age. It is important to note that existing research indicates that race or ethnicity, per se, is not a risk factor for violent victimization or a cause of violent behavior. Rather, racial or ethnic status is associated with many other factors that do influence the risk of becoming a victim or behaving violently. As a result, racial and ethnic minorities in the United States experience high rates of both violent victimization and perpetration. A better understanding of the factors that contribute to this vulnerability or protection from such risk is important to furthering effective violence prevention programs that address racial and ethnic minorities.

Unintentional Injury

Unintentional injuries are a leading cause of death for Americans of all ages, regardless of gender, race, or economic status. Unintentional injuries are the leading cause of death for persons ages 1-34 years, and the fifth leading cause of death overall. Nearly 100,000 people

die each year as a result of unintentional injury. In fact, on average, every six minutes someone in the U.S. dies from causes such as motor vehicle crashes, falls, poisonings, drownings, fires, bicycle crashes, suffocation, or pedestrians being struck by motor vehicles. Millions of Americans also experience nonfatal unintentional injuries each year. Approximately one in ten people a year experience a nonfatal injury serious enough to require a visit to an emergency department.

Although everyone is vulnerable to injury, some groups are at higher risk for unintentional injuries than others. For example, among all ethnic groups in the U.S., American Indians/Alaska Natives have the highest unintentional injury death rate (*i.e.*, 61 per 100,000 population compared with 41 per 100,000 for African Americans and 36 per 100,000 for Whites). African American children from birth through nine years have unintentional injury death rates almost twice as high as those of White children. Hispanic teenagers have higher motor vehicle occupant death rates than African American or White teenagers after adjusting for amount of travel.

There is a critical need for highly qualified scientists to carry out research on violence and unintentional injury that can help in the development, implementation, and evaluation of effective injury prevention programs. In particular, scientists are needed who bring an understanding and sensitivity to the problems of violence and unintentional injury as they affect minority communities. The purpose of this extramural research training grant program is to attract young scientists to the field of injury prevention by encouraging doctoral candidates from a variety of disciplines to conduct violence and unintentional injury prevention research and hopefully carry this focus on throughout their careers. The number of individuals, who are members of minority groups, and who are engaged in injury-related prevention research, is currently small. This research program should also attract young minority scientists to the field of violence and unintentional injury prevention research.

Measurable outcomes of the program will be in alignment with one (or more) of the following performance goal(s) for the National Center for Injury Prevention and Control (NCIPC):

- Increase the capacity of injury prevention and control programs to address the prevention of injuries and violence.

- Monitor and detect fatal and non-fatal injuries.
- Conduct a targeted program of research to reduce injury-related death and disability.

Research Objectives

Applicants are encouraged to propose studies that can feasibly be completed within the available funds and funding period. Proposed research for this Program Announcement must address one of the following research priorities in a minority community. Applications that fail to address these topics will be deemed nonresponsive.

Violence Related Injury

Any research priority listed in following chapters from NCIPC's research agenda: Preventing Intimate Partner Violence, Sexual Violence, and Child Maltreatment, Preventing Suicidal Behavior, or Preventing Youth Violence. NCIPC's research agenda can be accessed online at the following address: http://www.cdc.gov/ncipc/pub-res/research_agenda/agenda.htm.

Unintentional Injury

Any research priority listed in following chapters from NCIPC's research agenda: Preventing Injuries at Home and in the Community, Preventing Injuries in Sports, Recreation, and Exercise, or Preventing Transportation Injuries. NCIPC's research agenda can be accessed online at the following address: http://www.cdc.gov/ncipc/pub-res/research_agenda/agenda.htm.

Rigorous evaluations are needed to determine the effectiveness of interventions, programs, and policies addressing the prevention of violence. Experimental designs are strongly encouraged. However, NCIPC will consider other evaluation designs, if justified, as required by the needs and constraints in a particular setting.

For effective interventions, it is possible to do cost-effectiveness studies. To be comparable to other cost effectiveness studies, they should follow the guidelines in the following references: Gold MR, Siegel JE, Russell LB, Weinstein MC. Cost-effectiveness in Health and Medicine. New York: Oxford University Press, 1996. Haddix AC, Teutsch SM, Corso PS. Prevention Effectiveness: A Guide to Decision Analysis and Economic Evaluation. Second Edition. New York: Oxford University Press, 2003.

For randomized trials, applicants are encouraged to clearly state how study subjects, whether individuals or groups, were selected, randomized, and followed through the trial. One relevant

useful guidance document is Moher D, Schulz KF, Altman D. The CONSORT Statement, JAMA 2001; 285:1987–2001.

II. Award Information

Type of Award: Grant.

Mechanism of Support: R49.

Fiscal Year Funds: 2005.

Approximate Total Funding:

\$125,000. (This amount is an estimate, and is subject to availability of funds.)

Approximate Number of Awards: Five (four awards will be made in the area of violence prevention research and 1 award will be made in the area of unintentional injury prevention research).

Approximate Average Award: \$ 25,000. (This amount includes both direct and indirect costs.)

Floor of Award Range: None.

Ceiling of Award Range: \$ 25,000. (This amount includes both direct and indirect costs.)

Anticipated Award Date: August 30, 2005.

Budget Period Length: 12 months.

Project Period Length: One year.

III. Eligibility Information

III.1. Eligible applicants

Assistance will be provided to any United States public or private institution. The institution must support an accredited doctoral level training program. The performance site must be domestic.

III.2. Cost Sharing or Matching

Matching funds are not required for this program.

III.3. Other

If you request a funding amount greater than the ceiling of the award range, your application will be considered non-responsive, and will not be entered into the review process. You will be notified that your application did not meet the submission requirements.

Eligible applicants may enter into contracts, including consortia agreements, as necessary to meet the requirements of the program and strengthen the overall application.

A dissertation research training grant may not be transferred to another institution, except under unusual and compelling circumstances (such as if the mentor moves to a new institution and both the mentor and the applicant wish to move together).

The responsible program official for CDC must be informed if there is a change of a mentor. A biographical sketch of the new mentor must be provided for approval by the CDC program official.

Two copies of the completed dissertation, including abstract, must be submitted to the CDC program official and will constitute the final report of the grant. The dissertation must be officially accepted by the dissertation committee or university official responsible for the candidate's dissertation and must be signed by the responsible university official.

Any publications directly resulting from the grant should be reported to the CDC program official. The grantee also should cite receiving support from the NCIPC and CDC, both in the dissertation and any publications directly resulting from the dissertation-training grant.

It is especially important that the abstract of your grant application (Description, PHS 398 form page 2) reflects the project's focus, because the abstract will be used to help determine the responsiveness of the application.

Special Requirements

If your application is incomplete or non-responsive to the requirements listed in this section, it will not be entered into the review process. You will be notified that your application did not meet submission requirements.

- Late applications will be considered non-responsive. See section "IV.3. Submission Dates and Times" for more information on deadlines.

- Grant applications must demonstrate an overall match between the applicant's proposed theme and research objectives and the program priorities as described under the heading, "Research Objectives."

- Applications must demonstrate effective and well-defined working relationships within the performing organization and with outside entities, which will ensure implementation of the proposed activities.

- **Note:** Title 2 of the United States Code Section 1611 states that an organization described in Section 501(c)(4) of the Internal Revenue Code that engages in lobbying activities is not eligible to receive Federal funds constituting an award, grant, or loan.

Individuals Eligible To Become Principal Investigators

- The doctoral candidate must be the designated principal investigator. The principal investigator will be responsible for planning, directing, and executing the proposed project with the advice and consultation of the mentor and dissertation committee.

- Applicants must be students in good standing enrolled in an accredited doctoral degree program.

- The applicant must have the skill and academic training to conduct the proposed research and have the

authority and responsibility to carry out the proposed project.

- To receive this funding, applicants must have successfully defended their dissertation proposal. This must be verified in a letter of certification from the mentor (the chair or another member of the dissertation committee). CDC requests that if available, the letter of certification be submitted with the grant application, or before the negotiation and award.

- Applicants must be conducting or intending to conduct research in one of the areas described under the "Research Objectives" in the Program Requirement's section of this announcement.

- The ability of the principal investigator to carry out injury control research projects as defined under Attachment 1 of this program announcement. The attachment is posted along with this announcement on the CDC Web site: <http://www.cdc.gov/ncipc/ncipchm.htm>.

Applications, which do not meet the above requirements, will be considered non-responsive.

Any individual with the skills, knowledge, and resources necessary to carry out the proposed injury research as outlined above is invited to work with their institution to develop an application for support. Individuals from underrepresented racial and ethnic groups as well as individuals with disabilities are always encouraged to apply for CDC programs.

Principal investigators are encouraged to submit only one proposal in response to this program announcement. With few exceptions (e.g., research issues needing immediate public health attention), only one application per principal investigator will be funded under this announcement.

IV. Application and Submission Information

IV.1. Address To Request Application Package

To apply for this funding opportunity, use application form PHS 398 (OMB number 0925-0001 rev. 5/2001). Forms and instructions are available in an interactive format on the CDC Web site, at the following Internet address: <http://www.cdc.gov/od/pgoforinfo.htm>.

Forms and instructions are also available in an interactive format on the National Institutes of Health (NIH) website at the following Internet address: <http://grants.nih.gov/grants/funding/phs398/phs398.html>.

If you do not have access to the Internet, or if you have difficulty accessing the forms on-line, you may

contact the CDC Procurement and Grants Office Technical Information Management Section (PGO-TIM) staff at: 770-488-2700. Application forms can be mailed to you.

IV.2. Content and Form of Application Submission Letter of Intent (LOI)

Your LOI must be written in the following format:

- Maximum number of pages: Two
- Font size: 12-point unrounded
- Paper size: 8.5 by 11 inches
- Page margin size: One inch
- Printed only on one side of page
- Single spaced
- Written in plain language, avoid jargon

Your LOI must contain the following information:

- Descriptive title of the proposed research
- Name, address, email address, and telephone number of the Principal Investigator
- Names of other key personnel
- Participating institutions
- Number and title of this Program Announcement
- Brief description of the scope and intent of the proposed research work.

Application: Follow the PHS 398 application instructions for content and formatting of your application. If the instructions in this announcement differ in any way from the PHS 398 instructions, follow the instructions in this announcement. For further assistance with the PHS 398 application form, contact PGO-TIM staff at 770-488-2700, or contact GrantsInfo, Telephone (301) 435-0714, E-mail: GrantsInfo@nih.gov.

You are required to have a Dun and Bradstreet Data Universal Numbering System (DUNS) number to apply for a grant or cooperative agreement from the Federal government. Your DUNS number must be entered on line 11 of the face page of the PHS 398 application form. The DUNS number is a nine-digit identification number, which uniquely identifies business entities. Obtaining a DUNS number is easy and there is no charge. To obtain a DUNS number, access <http://www.dunandbradstreet.com> or call 1-866-705-5711. For more information, see the CDC Web site at: <http://www.cdc.gov/od/pgofunding/pubcomm.htm>.

This announcement uses the non-modular budgeting format. Follow the PHS-398 instructions for non-modular budget research grant applications.

In addition to the instructions provided in the PHS 398 for writing the Description on page 2 of the PHS 398

form, structure the Description using the following components:

- Statement of the problem;
 - Purpose of the proposed research;
 - Methods, including study population, data sources and any statistical analyses to be performed;
 - Implications for prevention.
- The Description (abstract) should answer the following questions:
- Does the Description state the hypothesis?
 - Does the Description describe the objectives and specific aims?
 - Does the Description state the importance of the research and how it is innovative?
 - Does the Description outline the methods that will be used to accomplish the goals?
 - Is the language of the Description simple and easy to understand for a broad audience?

You must include a research plan in your application. The research plan should be no more than 15 pages, printed on one side, single spaced, with one half-inch margin, and un-reduced 12-point font. The research plan should address activities to be conducted over the entire project period. Use the information in the Research Objectives, Administrative and National Policy Requirements, and Application Review Information sections to develop the application content. The research plan should include the following information:

- The project's focus, a justification for the research proposed, and a description of the scientific basis for the research. The focus should be based on recommendations in "Healthy People 2010" (<http://www.healthypeople.gov>) and the "CDC Injury Research Agenda," (http://www.cdc.gov/ncipc/pub-res/research_agenda/agenda.htm) and should seek creative approaches that will contribute to a national program for injury control.
- Specific, measurable, and time-framed objectives.
- A detailed plan describing the methods, which will achieve the objectives, including their sequence. A comprehensive evaluation plan is an essential component of the application.
- A description of the roles and responsibilities principal investigator.
- A description of the involvement of other entities that will relate to the proposed project, if applicable. It should include commitments of support and a clear statement of their roles.
- An explanation of how the research findings will contribute to the national effort to reduce the morbidity, mortality and disability caused by injuries within three to five years from project start-up.

Additional Materials Required

In addition to the completed PHS 398 application form, the applicant must also submit the following materials, attached to the application as appendices:

- A letter from the applicant's mentor which:
 - a. Fully identifies the members of the dissertation committee.
 - b. Certifies that the mentor has read the application and believes that it reflects the work to be completed in the dissertation. (Letters certifying approval of the dissertation proposal must be received before negotiation and award of the grant.)
 - c. Certification that the institution's facilities and general environment are adequate to conduct the proposed research.
- A tentative time line for completion of the research, the dissertation, and the dissertation defense.
- An official transcript of the applicant's graduate school record showing that the applicant has completed all required course work for the degree with the exception of the dissertation.
- A statement of the applicant's career goals and intended career trajectory.
- A biography of the mentor, limited to two pages (use the Biographical Sketch page in application form PHS 398).

Additional requirements that may require you to submit additional documentation with your application are listed in section "VI.2. Administrative and National Policy Requirements."

For additional help in preparing your grant application please see the "frequently asked questions" section on the NCIPC Web page at: <http://www.cdc.gov/ncipc/res-ops/2004pas.htm>.

IV.3. Submission Dates and Times

LOI Deadline Date: December 1, 2004.

CDC requests that you send a LOI if you intend to apply for this program. Although the LOI is not required, not binding, and does not enter into the review of your subsequent application, the LOI will be used to gauge the level of interest in this program, and to allow CDC to plan the application review.

Application Deadline Date: January 31, 2005.

Explanation of Deadlines:

Applications must be received in the CDC Procurement and Grants Office (PGO) (not NIH) by 4 p.m. Eastern Time on the deadline date. If you submit your application by the United States Postal

Service or commercial delivery service, you must ensure that the carrier will be able to guarantee delivery by the closing date and time. If CDC receives your submission after closing due to: (1) Carrier error, when the carrier accepted the package with a guarantee for delivery by the closing date and time, or (2) significant weather delays or natural disasters, you will be given the opportunity to submit documentation of the carrier's guarantee. If the documentation verifies a carrier problem, CDC will consider the submission as having been received by the deadline.

This announcement is the definitive guide on LOI and grant application content, submission address, and deadline. It supersedes information provided in the application instructions. If your application does not meet the deadline above, it will not be eligible for review, and will be discarded. You will be notified that you did not meet the submission requirements.

CDC will not notify you upon receipt of your submission. If you have a question about the receipt of your LOI or application, first contact your courier. If you still have a question, contact the PGO-TIM staff at: 770-488-2700. Before calling, please wait two to three days after the submission deadline. This will allow time for submissions to be processed and logged.

IV.4. Intergovernmental Review of Applications

Executive Order 12372 does not apply to this program.

IV.5. Funding Restrictions

Restrictions, which must be taken into account while writing your budget, are as follows:

- Funds relating to the conduct of research will not be released until the appropriate assurances and Institutional Review Board (IRB) approvals are in place.
- Grant funds will not be made available to support the provision of direct care including medical and/or psychiatric care.
- Eligible applicants may enter into contracts, including consortia agreements, as necessary to meet the requirements of the program and strengthen the overall application.
- Allowable costs include partial salary support for the applicant; such as interviewer expenses, data processing, participant incentives, statistical consultant services, supplies, dissertation printing costs, and travel to one scientific meeting, if adequately justified.

- Applicants should also include travel costs for one, two-day trip to CDC in Atlanta to present research findings.
- Indirect costs for this trainee-related grant are limited to eight percent.

If you are requesting indirect costs in your budget, you must include a copy of your indirect cost rate agreement. If your indirect cost rate is a provisional rate, the agreement should be less than 12 months of age.

IV.6. Other Submission Requirements

LOI Submission Address: Submit your LOI by express mail, delivery service, fax, or E-mail to: NCIPC Extramural Resources Team, Centers for Disease Control and Prevention, National Center for Injury Prevention and Control, 4770 Buford Hwy, NE, Mailstop K-62, Atlanta, GA 30341, Telephone: 770-488-4037, Fax: 770-488-1662, E-mail: CIPERT@CDC.GOV.

Application Submission Address: Submit the original and one hard copy of your application by mail or express delivery service to: Technical Information Management—CE05-025, CDC Procurement and Grants Office, 2920 Brandywine Road, Atlanta, GA 30341.

At the time of submission, four additional copies of the application, and four copies of all appendices must be sent to: NCIPC Extramural Resources Team, CDC, National Center for Injury Prevention and Control, Address for Express Mail or Delivery Service: 2945 Flowers Road, Yale Building, Room 2054, Atlanta, Georgia 30341. Address for U.S. Postal Service Mail: 4770 Buford Hwy, NE, Mailstop K-62, Atlanta, GA 30341.

Applications may not be submitted electronically at this time.

V. Application Review Information

V.1. Criteria

Applicants are required to provide measures of effectiveness that will demonstrate the accomplishment of the various identified objectives of the grant. Measures of effectiveness must relate to the performance goals stated in the "Purpose" section of this announcement. Measures must be objective and quantitative, and must measure the intended outcome. These measures of effectiveness must be submitted with the application and will be an element of evaluation.

The goals of CDC-supported research are to improve the control and prevention of disease and injury and to enhance health. In the written comments, reviewers will be asked to evaluate the application in order to judge the likelihood that the proposed

research will have a substantial impact on the pursuit of these goals.

The scientific review group will address and consider each of the following criteria equally in assigning the application's overall score, weighting them as appropriate for each application. The application does not need to be strong in all categories to be judged likely to have major scientific impact and thus deserve a high priority score. For example, an investigator may propose to carry out important work that by its nature is not innovative, but is essential to move a field forward.

The review criteria are as follows:

Significance: Does this study address an important problem? If the aims of the application are achieved, how will scientific knowledge be advanced? What will be the effect of these studies on the concepts or methods that drive this field?

Approach: Are the conceptual framework, design, methods, and analyses adequately developed, well integrated, and appropriate to the aims of the project? Does the applicant acknowledge potential problem areas and consider alternative tactics? Does the project include plans to measure progress toward achieving the stated objectives? Is there an appropriate work plan included?

Innovation: Does the project employ novel concepts, approaches or methods? Are the aims original and innovative? Does the project challenge existing paradigms or develop new methodologies or technologies?

Investigator: Is the investigator appropriately trained and well suited to carry out this work? Is the work proposed appropriate to the experience level of the principal investigator and other researchers (if any)? Is there a prior history of conducting injury-related research?

Environment: Does the scientific environment in which the work will be done contribute to the probability of success? Do the proposed experiments take advantage of unique features of the scientific environment or employ useful collaborative arrangements? Is there evidence of institutional support? Is there an appropriate degree of commitment and cooperation of other interested parties as evidenced by letters detailing the nature and extent of the involvement?

Additional Review Criteria: In addition to the above criteria, the following items will be considered in the determination of scientific merit and priority score:

Dissemination: What plans have been articulated for disseminating findings?

Protection of Human Subjects from Research Risks: Does the application adequately address the requirements of Title 45 CFR Part 46 for the protection of human subjects? This will not be scored; however, an application can be disapproved if the research risks are sufficiently serious and protection against risks is so inadequate as to make the entire application unacceptable.

Inclusion of Women and Minorities in Research: Does the application adequately address the CDC Policy requirements regarding the inclusion of women, ethnic, and racial groups in the proposed research? This includes: (1) The proposed plan for the inclusion of both sexes and racial and ethnic minority populations for appropriate representation; (2) The proposed justification when representation is limited or absent; (3) A statement as to whether the design of the study is adequate to measure differences when warranted; and (4) A statement as to whether the plans for recruitment and outreach for study participants include the process of establishing partnerships with community (ies) and recognition of mutual benefits.

Inclusion of Children as Participants in Research Involving Human Subjects: The NIH maintains a policy that children (*i.e.*, individuals under the age of 21) must be included in all human subjects research, conducted or supported by the NIH, unless there are scientific and ethical reasons not to include them. This policy applies to all initial (Type 1) applications submitted for receipt dates after October 1, 1998. NCIPC has adopted this policy for this announcement.

All investigators proposing research involving human subjects should read the "NIH Policy and Guidelines" on the inclusion of children as participants in research involving human subjects that is available at <http://grants.nih.gov/grants/funding/children/children.htm>.

Budget: The reasonableness of the proposed budget and the requested period of support in relation to the proposed research.

V.2. Review and Selection Process

Applications will be reviewed for completeness by the PGO and for responsiveness by NCIPC. Incomplete applications and applications that are non-responsive to the eligibility criteria will not advance through the review process. Applicants will be notified that their application did not meet submission requirements.

Applications that are complete and responsive to the announcement will be evaluated for scientific and technical merit by an appropriate peer review

panel convened by the NCIPC in accordance with the review criteria listed above. As part of the initial merit review, all applications will:

- Undergo a process in which only those applications deemed to have the highest scientific merit by the review group, generally the top half of the applications under review, will be discussed and assigned a priority score.
- Receive a written critique.

The primary review will be a peer review conducted by NCIPC Initial Review Group (IRG). Applications may be subjected to a preliminary evaluation (streamline review) by the IRG to determine if the application is of sufficient technical and scientific merit to warrant further review. NCIPC will withdraw from further consideration applications judged to be noncompetitive and promptly notify the principal investigator/program director and the official signing for the applicant organization. Those applications judged to be competitive will be further evaluated by the IRG. These applications will be reviewed for scientific merit using current NIH criteria (a scoring system of 100–500 points) to evaluate the methods and scientific quality of the application.

The secondary review will be conducted by the Science and Program Review Subcommittee (SPRS) of the Advisory Committee for Injury Prevention and Control (ACIPC). The ACIPC Federal agency experts will be invited to attend the secondary review and will receive modified briefing books (*i.e.*, abstracts, strengths and weaknesses from summary statements, and project officer's briefing materials). ACIPC Federal agency experts will be encouraged to participate in deliberations when applications address overlapping areas of research interest, so that unwarranted duplication in Federally-funded research can be avoided and special subject area expertise can be shared. The NCIPC Division Associate Directors for Science (ADS) or their designees will attend the secondary review in a similar capacity as the ACIPC Federal agency experts to assure that research priorities of the announcement are understood and to provide background regarding current research activities. Only SPRS members will vote on funding recommendations, and their recommendations will be carried to the entire ACIPC for voting by the ACIPC members in closed session. If any further review is needed by the ACIPC, regarding the recommendations of the SPRS, the factors considered would be the same as those considered by the SPRS.

The ACIPC committee's responsibility is to develop funding recommendations for the NCIPC Director based on the results of the primary review, the relevance and balance of proposed research relative to the NCIPC programs and priorities, and to assure that unwarranted duplication of federally-funded research does not occur. The secondary review committee has the latitude to recommend to the NCIPC Director to reach over better-ranked proposals in order to assure maximal impact and balance of proposed research. The factors to be considered will include:

- The results of the primary review including the application's priority score as the primary factor in the selection process.
- The relevance and balance of proposed research relative to the NCIPC programs and priorities.
- The significance of the proposed activities in relation to the priorities and objectives stated in "Healthy People 2010," the Institute of Medicine report, "Reducing the Burden of Injury," and the "CDC Injury Research Agenda." (See Attachment 1, Resource Materials. The attachment is posted along with this announcement on the CDC Web site: <http://www.cdc.gov/ncipc/ncipchm.htm>.)
- Budgetary considerations.

All awards will be determined by the Director of the NCIPC based on priority scores assigned to applications by the primary review committee IRG, recommendations by the secondary review committee of the Science and Program Review Subcommittee of the ACIPC, consultation with NCIPC senior staff, and the availability of funds.

Award Criteria: Criteria that will be used to make award decisions during the programmatic review include:

- Scientific merit (as determined by peer review);
- Availability of funds;
- Programmatic priorities;

V.3. Anticipated Announcement and Award Dates

August 30, 2005

VI. Award Administration Information

VI.1. Award Notices

Successful applicants will receive a Notice of Grant Award (NGA) from the CDC Procurement and Grants Office. The NGA shall be the only binding, authorizing document between the recipient and CDC. The NGA will be signed by an authorized Grants Management Officer, and mailed to the recipient fiscal officer identified in the application.

Unsuccessful applicants will receive notification of the results of the application review by mail.

VI.2. Administrative and National Policy Requirements

45 CFR Part 74 and Part 92.

For more information on the Code of Federal Regulations, see the National Archives and Records Administration at the following Internet address: <http://www.access.gpo.gov/nara/cfr/cfr-table-search.html>.

The following additional requirements apply to this project:

- AR-1 Human Subjects Requirements
- AR-2 Requirements for Inclusion of Women and Racial and Ethnic Minorities in Research
- AR-3 Animal Subjects Requirements
- AR-9 Paperwork Reduction Act Requirements
- AR-10 Smoke-Free Workplace Requirements
- AR-11 Healthy People 2010
- AR-12 Lobbying Restrictions
- AR-13 Prohibition on Use of CDC Funds for Certain Gun Control Activities
- AR-21 Small, Minority, and Women-Owned Business
- AR-22 Research Integrity

Additional information on AR-1 through AR-22 can be found on the CDC Web site at the following Internet address: <http://www.cdc.gov/od/pgo/funding/ARs.htm>.

- AR-25 Release and Sharing of Data

Starting with the December 1, 2003 receipt date, all "Requests for Applications (RFA)/Program Announcements (PA)" soliciting proposals for individual research projects of \$500,000 or more in total (direct and indirect) costs per year require the applicant to include a plan describing how the final research data will be shared/released or explain why data sharing is not possible. Details on data sharing and release, including information on the timeliness of the data and the name of the project data steward, should be included in a brief paragraph immediately following the "Research Plan" section of the PHS 398 form. References to data sharing and release may also be appropriate in other sections of the application (*e.g.*, background and significance, or human subjects requirements). The content of the data sharing and release plan will vary, depending on the data being collected and how the investigator is planning to share the data. The data sharing and release plan will not count toward the application page limit and

will not factor into the determining scientific merit or the priority scoring. Investigators should seek guidance from their institutions on issues related to institutional policies, and local IRB rules, as well as local, state and federal laws and regulations, including the Privacy Rule.

Further detail on the requirements for addressing data sharing in applications for NCIPC funding may be obtained by contacting NCIPC program staff or by visiting the NCIPC Internet: at http://www.cdc.gov/ncipc/osp/sharing_policy.htm.

VI.3. Reporting

You must provide CDC with an original, plus two hard copies of the following reports:

1. Financial status report, no more than 90 days after the end of the budget period.

2. The final performance report, no more than 90 days after the end of the project period. The final performance report will be a brief summary (2,500 to 4,000 words in length) written in non-scientific [laymen's] terms. The report should highlight the findings and their implications for injury prevention programs, policies, environmental changes, etc. The grant recipient will also include a description of the dissemination plan for research findings. This plan will include publications in peer-reviewed journals and ways in which research findings will be made available to stakeholders outside of academia (e.g., state injury prevention program staff, community groups, public health injury prevention practitioners, and others). CDC will place the summary report and each grant recipient's final report with the

National Technical Information Service (NTIS) to further the agency's efforts to make the information more available and accessible to the public.

These reports must be mailed to the Grants Management Specialist listed in the "Agency Contacts" section of this announcement.

VII. Agency Contacts

We encourage inquiries concerning this announcement.

For general questions, contact: Technical Information Management Section, CDC Procurement and Grants Office, 2920 Brandywine Road, Atlanta, GA 30341, Telephone: 770-488-2700.

For scientific/research issues, contact: Paul Smutz, Project Officer, Office of the Director, National Center for Injury Prevention and Control, Centers for Disease Control and Prevention (CDC), 4770 Buford Highway, NE., Mailstop K-02, Atlanta, GA 30341, Telephone: 770-488-1508, E-mail: pos1@cdc.gov.

For questions about peer review, contact: Gwendolyn Cattledge, Scientific Review Administrator, Associate Director for Extramural Research, National Center for Injury Prevention and Control, Centers for Disease Control and Prevention (CDC), 4770 Buford Highway, NE., Mailstop K-02, Atlanta, GA 30341, Telephone: 770-488-1430, E-mail: gxc8@cdc.gov.

For financial, grants management, or budget assistance, contact: Pamela Render, Grants Management Specialist, CDC Procurement and Grants Office, 2920 Brandywine Road, Atlanta, GA 30341, Telephone: 770/488-2712, E-mail: PLR3@cdc.gov.

VIII. Other Information

This and other CDC funding opportunity announcements can be

found on the CDC Web site, Internet address: www.cdc.gov. Click on "Funding" then "Grants and Cooperative Agreements."

Dated: October 21, 2004.

William P. Nichols,

Acting Director, Procurement and Grants Office, Centers for Disease Control and Prevention.

[FR Doc. 04-24027 Filed 10-29-04; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Notice of Lien.

OMB No.: 0970-0153.

Description: Section 452(a)(11) of the Social Security Act requires the Secretary of Health and Human Services to promulgate a form for the imposition of liens to be used by State child support enforcement programs for enforcement of support orders in interstate cases. Section 454(9)(E) of the Social Security Act requires each State to cooperate with any other State in using the Federal form for imposition of liens in interstate child support cases. Tribes are not required to use this form but many choose to do so.

Responders: State, local, or Tribal agencies administering a child support enforcement program under Title IV-D of the Social Security Act.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Notice of Lien	109,384	1	.25	27,346

Estimated Total Annual Burden Hours: 27,346.

Additional Information: Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Administration, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. All requests should be identified by the title of the information collection. E-mail address: grjohnson@acf.hhs.gov.

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, Attn: Desk Officer for

ACF, e-mail address: Katherine_T._Astrich@omb.eop.gov.

Dated: October 25, 2004.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 04-24276 Filed 10-29-04; 8:45 am]

BILLING CODE 4184-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Administration for Children and Families****Submission for OMB Review; Comment Request**

Title: Administrative subpoena.

OMB No.: 0970-0152.

Description: Section 452(a)(11) of the Social Security Act requires the Secretary of Health and Human Services to promulgate a form for administrative subpoenas to be used by State child support enforcement programs to collect information for use in the establishment, modification and enforcement of child support orders on interstate cases. Section 454(9)(E) of the Social Security Act requires each State

to cooperate with another State in using the Federal form for issuance of administrative subpoenas in interstate child support cases. Tribes are not required to use this form, but may choose to do so.

Respondents: State, local, or Tribal agencies administering a Child Support Enforcement program under title IV-D of the Social Security Act.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Administrative Subpoena	19,781	1	.5	9,890

Estimated Total Annual Burden Hours: 9,890.

Additional Information: Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Administration, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. All requests should be identified by the title of the information collection. E-mail address: grjohnson@acf.hhs.gov.

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, Attn: Desk Officer for ACF, e-mail address: Katherine_T._Astrich@omb.eop.gov.

Dated: October 25, 2004.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 04-24277 Filed 10-29-04; 8:45 am]

BILLING CODE 4184-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Administration for Children and Families****Proposed Information Collection Activity; Comment Request****Proposed Projects**

Title: ACF/HHS Supporting Healthy Marriage (SHM) Evaluation Focus Groups.

OMB No.: New Collection.

Description: The Administration for Children and Families (ACF), U.S. Department of Health and Human Services (HHS), is conducting a demonstration and evaluation called the Supporting Healthy Marriage (SHM) Project. The project is a large-scale, multi-site, multi-year, rigorous test of marriage education programs for interested low-income married couples, and is based on a substantial body of research that has shown a relationship between healthy marriages and a variety of positive child and family outcomes. The SHM Project is designed to inform program operators and policymakers of the most effective ways to help couples who voluntarily choose to participate in demonstrations designed to strengthen and maintain healthy marriages. The focus groups will provide key

information about the perspectives of low-to-moderate-income couples regarding marriage, relationships, and marriage education programs; assist ACF and program managers in designing responsive healthy marriage programs; and will help to ensure that the project is testing the strongest possible program models for its target populations.

Respondents: The respondents will be selected to represent low-to-moderate income couples in each of the following categories, whose views can help us to design effective SHM programs: Married couples and those planning to marry, couples with and without children, and couples who have had experience with marriage education programs as well as those who have not. There will also be an effort to include African American and Hispanic couples. Focus groups will be divided into separate discussions for those who are married and for those who are planning to marry. Each of these focus groups will be further separated into discussions for couples, for men only, and for women only. Each focus group will have approximately 10 respondents for a total of 180 respondents over 2 years (approximately 12 focus groups will take place in the first year and 6 focus groups in the second). Total burden hours are listed in the table that follows.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Married Mixed Gender Focus Group Protocol	40	1	2	80
Married Male Focus Group Protocol	40	1	2	80
Married Female Focus Group Protocol	40	1	2	80
Planning-to-Marry Mixed Gender Focus Group	20	1	2	40
Planning-to-Marry Male Focus Group Protocol	20	1	2	40
Planning-to-Marry Female Focus Group Protocol	20	1	2	40

Estimated Total Annual Burden Hours: 360.

In compliance with the requirements of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Administration, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. E-mail address: grjohnson@acf.hhs.gov. All requests should be identified by the title of the information collection.

The Department specifically requests comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c)

the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Dated: October 26, 2004.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 04-24346 Filed 10-29-04; 8:45 am]

BILLING CODE 4184-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects

Title: Child Care and Development Fund Annual Financial Report for Tribes (ACF-696T).

OMB No.: 0970-0195.

Description: The Child Care and Development Fund (CCDF) annual financial reporting form (ACF-696T) provides a mechanism for Indian Tribes to report expenditures under the CCDF program. The CCDF program provides funds to Tribes, as well as States and Territories, to assist low-income families in obtaining child care so that they can work or attend training/education, and to improve the quality of care. Information collected via the ACF-696T allows the Administration for Children and Families (ACF) to monitor tribal expenditures and to estimate outlays and may be used to prepare ACF budget submissions to Congress. This information collection uses the existing ACF-696T form, without any changes. Office of Management and Budget (OMB) approval for the existing form expires on March 31, 2005.

Respondents: Indian Tribes and Tribal Organizations that are CCDF grantees.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
ACF-696T	232	1	8	1,856

Estimated Total Annual Burden Hours: 1,856.

In compliance with the requirements of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Administration, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. E-mail address: grjohnson@acf.hhs.gov. All requests should be identified by the title of the information collection.

The Department specifically requests comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the

proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Dated: October 26, 2004.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 04-24347 Filed 10-29-04; 8:45 am]

BILLING CODE 4184-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects

Title: Fourth National Incidence Study of Child Abuse and Neglect.

OMB No.: 0970-0276.

Description: The Department of Health and Human Services (HHS) intends to issue letters to recruit agencies for participation in the next National Incidence Study of Child Abuse and Neglect (NIS). This will be the fourth cycle of this periodic study. NIS-1, mandated under Public Law (Pub. L.) 93-247 (1974), was conducted in 1979 and 1980 and reported in 1981. The NIS-2, mandated under (Pub. L.) 98-457 (1984), was conducted in 1986 and 1987, and reported in 1988. NIS-3, mandated under both the Child Abuse Prevention, Adoption, and Family Services Act of 1988 (Pub. L.) 100-294)

and the Child Abuse, Domestic Violence, Adoption and Family Services Act of 1992 (Pub. L.) 102–295, conducted between 1993 and 1995, and reported in 1996. NIS–4, mandated by the Keeping Children and Families Safe Act of 2003 (Pub. L.) 108–36, will be reported in 2006.

NIS is unique in that it goes beyond the abused and neglected children who come to the attention of the Child Protective Services (CPS) system. In contrast to the National Child Abuse and Neglect Data Systems (NCANDS), which rely solely on reported cases. The NIS design assumes that reported children represent only a portion of the children who actually are maltreated. Following the implications of its assumptions, NIS estimates the scope of the maltreated child population by combining information about reported cases with data on maltreated children identified by professionals (called “sentinels”) who encounter them during the normal course of their work in a wide range of agencies in representative

communities. Sentinels are asked to remain on the lookout for children whom they believe are maltreated during the study reference period and to provide information about these children. Children identified by sentinels and those children whose alleged maltreatment is investigated by CPS during the same period are evaluated against standardized definitions, and only children who meet the study standards are used to develop the study estimates. The study estimates are couched in terms of numbers of maltreated children, with data unduplicated so that a given child is counted only once. Confidentiality of all participants is carefully protected.

A nationally representative sample of 120 counties will be selected and all local CPS agencies serving the selected counties will be identified. Plans will be developed to obtain data on cases investigated during the study reference period, September 4, 2005 to December 3, 2005. Sentinels in the selected counties will be identified through

samples of agencies in 11 categories: county juvenile probation departments, sheriff (and/or state police) departments, public health departments, public housing departments, municipal police departments, hospitals, schools, day care centers, social service agencies, mental health agencies, and shelters for battered women or runaway/homeless youth. A total of approximately 1,600 sentinel agencies will be sampled. Plans will be developed to identify staff in these agencies who have direct contact with children to serve as sentinels during the study by submitting data on maltreated children they encounter during the study reference period. In preparation for the study, letters will be sent to the directors of the selected agencies asking them to permit their agencies to participate in NIS–4, and describing the general nature of the data collection effort. HHS will issue a subsequent notice of proposed data collection for this study after data collection plans are developed.

Respondents:

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Letter to CPS Agencies	120	1	.20	24
Letter to Sentinel Agencies	1,600	1	.20	320
	12,000	1	.20	2,400
<i>Estimated Total Annual Burden Hours</i> .....	.....	.....	.20	2,744

In compliance with the requirements of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Administration, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer, E-mail address: grjohnson@acf.hhs.gov. All requests should be identified by the title of the information collection.

The Department specifically requests comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c)

the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Dated: October 26, 2004.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 04–24348 Filed 10–29–04; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed information Collection Activity; Comment Request

Proposed Projects

Title: Social Services Block Grant Postexpenditure Report.

OMB No. 0970–0234.

Description:

Purpose: To improve the quality of Social Services Block Grant (SSBG) expenditure data, the postexpenditure reporting form and instructions need minor formatting revisions to reduce confusion and reporting inconsistencies that have resulted from the current form. As a block grant, SSBG provides the States with a flexible source of funds for social service needs. Accurate accounting of how these funds are used and whom they serve is critical to ensure that necessary and sufficient funding continues to be allocated. For

this reason, the following changes are being proposed to the current form:

1. The expenditures columns will be reordered so that when reading left to right, the three types of funding that sum to total expenditures—SSBG allocation, funds transferred into SSBG, and expenditures of all other Federal, State, and local funds—are listed prior to total expenditures.
2. A space will be added, and referenced in item 29, where States can report more detail about other services. This added information will help to define the specific services funded under this service category.
3. The column for total adults will be removed. A new column, “Adults of Unknown Age” will be added. The three age groups of adults—“Adults Age 59 and younger,” “Adults Age 60 and older,” and “Adults of Unknown Age”—should equal the total number of adults.
4. The recipients columns will be reordered so that when reading left to right, the four ages of recipients—children, adults age 59 and younger, adults age 60 and older, and adults of unknown age—are listed prior to total recipients.

The SSBG program provides funds to assist States in delivering social services directed toward the needs of children

and adults in each State. Funds are allocated to the States in proportion to their populations. States, including the District of Columbia, Guam, Puerto Rico, the Virgin Islands, the Northern Mariana Islands, and American Samoa, have substantial discretion in their use of funds and may determine what services will be provided, who will be eligible, and how funds will be distributed among the various services. State or local SSBG agencies (*i.e.*, county, city, or regional offices) may provide the services or may purchase them from qualified agencies, organizations, or individuals. States report as recipients of SSBG-funded services any individuals who receive a service funded at least partially by SSBG.

States are required to report their annual SSBG expenditures on a standard postexpenditure report, which includes a yearly total of adults and children served and annual expenditures in each of 29 service categories. Reporting requirements for SSBG were originally described in the Federal Register, Volume 58, Number 218, on Monday, November 15, 1993. The report is due either 6 months after the end of the reporting period or at the time the State submits the preexpenditure report for the reporting

period beginning after that 6 month period. The report must address: (1) The number of individuals (as well as number of children and number of adults) who receive services paid for in whole or in part with Federal funds under the Social Services Block Grant; (2) The amount of Social Services Block Grant funds spent in providing each service; (3) The total amount of Federal, State, and local funds spent in providing each service, including Social Services Block Grant funds; and (4) The method(s) by which each service is provided, showing separately the services provided by public agencies and private agencies.

Information collected on the postexpenditure report is analyzed and described in an annual report on SSBG expenditures and recipients produced by the Office of Community Services. The information contained in this report is used to establish how SSBG funding is used for the provision of services in each State to each of many specific populations of needy individuals.

Respondents: This report is completed once annually by a representative of the agency that administers the Social Services Block Grant at the State level in each State, the District of Columbia, and the Territories.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Postexpenditure Report	56	1	110	6,160

Estimated Total Annual Burden Hours: 6,160.

In compliance with the requirements of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20477, Attn: ACF Reports Clearance Officer. E-mail address: grjohnson@acf.hhs.gov. All requests should be identified by the title of the information collection.

The Department specifically requests comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including

whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Dated: October 26, 2004.
Robert Sargis,
Reports Clearance Officer.
[FR Doc. 04-24349 Filed 10-29-04; 8:45 am]
BILLING CODE 4184-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 2004D-0459]

Draft Guidance for Industry on Pharmacokinetics in Pregnancy—Study Design, Data Analysis, and Impact on Dosing and Labeling

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a draft guidance for industry entitled “Draft Guidance for Industry on Pharmacokinetics in Pregnancy—Study Design, Data Analysis, and Impact on Dosing and Labeling.” This guidance discusses agency recommendations on issues to consider when designing and

conducting pharmacokinetic (PK) studies in pregnant women and, specifically, on how to assess the influence of pregnancy on the PKs, and where appropriate, the pharmacodynamics (PD) of drugs or biologic products. The goals of this guidance are to recommend a framework for designing and conducting PK studies in pregnant women and stimulate further study and research to assist in rational therapeutics for pregnant patients.

DATES: Submit written or electronic comments on the draft guidance by January 3, 2005. General comments on agency guidance documents are welcome at any time.

ADDRESSES: Submit written requests for single copies of the draft guidance to the Division of Drug Information (HFD-240), Center for Drug Evaluation and Research, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, or the Office of Communications, Training, and Manufacturers Assistance (HFM-40), Center for Biologics Evaluation and Research (CBER), 1401 Rockville Pike, Rockville, MD 20852-1448. Send one self-addressed adhesive label to assist that office in processing your requests. Submit written comments on the draft guidance to the Division of Dockets Management (HFA-305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Submit electronic comments to <http://www.fda.gov/dockets/ecomments>. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

FOR FURTHER INFORMATION CONTACT: Kathleen Uhl, Center for Drug Evaluation and Research (HFD-020), Food and Drug Administration, 5515 Security Lane, Rockville, MD 20852, 301-443-5157.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance for industry entitled "Draft Guidance for Industry on Pharmacokinetics in Pregnancy—Study Design, Data Analysis, and Impact on Dosing and Labeling." This guidance is intended to provide recommendations to sponsors and investigators on how to design, conduct, and assess studies investigating the influence of pregnancy on the pharmacokinetics, and where appropriate, the pharmacodynamics of drugs or biologic products. During the clinical development of most products, pregnant women are actively excluded from trials, and, if pregnancy does occur during a trial, the usual procedure is to

discontinue treatment and drop the patient from the study. Consequently, at the time of a drug's initial marketing, except for products developed to treat conditions specific to pregnancy, there are seldom meaningful human data on the appropriate dosage and frequency of administration during pregnancy. Even after years of marketing, data in product labels regarding PK and dose adjustments during pregnancy rarely provide more information for appropriate prescribing in pregnancy than what was available at the time of initial marketing.

The information in this guidance is intended to promote an increase in the amount of useful data concerning how drug kinetics are affected by pregnancy and to further encourage the development of appropriate therapeutic treatments for pregnant women. Topics covered include ethical considerations associated with conducting PK studies in pregnant women, study design, data analysis, labeling, and considerations for future research. The agency recommends using this guidance in conjunction with other pharmacological and clinical literature on the design, conduct, and interpretation of PK studies. Because the conduct of studies in pregnant women requires specialized knowledge in a variety of areas, investigators designing such studies are encouraged to obtain advice from experts in fields such as obstetrics, pediatrics, pharmacology, clinical pharmacology, pharmacometrics, statistics, and other applicable disciplines.

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the agency's current thinking on this topic. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statutes and regulations.

II. Comments

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) written or electronic comments on the draft guidance. Two copies of mailed comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. The draft guidance and received comments are available for public examination in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

III. Electronic Access

Persons with access to the Internet may obtain the document at either <http://www.fda.gov/cder/guidance/index.htm> or <http://www.fda.gov/ohrms/dockets/default.htm>.

Dated: October 21, 2004.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. 04-24308 Filed 10-29-04; 8:45 am]

BILLING CODE 4160-01-S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Funding Opportunity Title: Historically Black Colleges and Universities National Resource Center for Substance Abuse and Mental Health Service System Infrastructure Development (Short Title: HBCU-NRC)

Announcement Type: Initial.

Funding Opportunity Number: TI 05-002.

Catalog of Federal Domestic Assistance (CFDA) Number: 93.243.

DATES: *Due Date for Applications:* January 18, 2005.

(**Note:** Letters from State Single Point of Contact (SPOC) in response to E.O. 12372 are due March 21, 2005.)

SUMMARY: The Substance Abuse and Mental Health Services Administration (SAMHSA), Center for Substance Abuse Treatment (CSAT) and Center for Mental Health Services (CMHS), announce the availability of FY 2005 funds for a Historically Black Colleges and Universities National Resource Center (HBCU-NRC) for Substance Abuse and Mental Health Service System Infrastructure Development. A synopsis of this Notice of Funding Availability (NOFA), as well as many other Federal government funding opportunities, are also available at the Internet site: <http://www.grants.gov>.

For complete instructions, potential applicants must obtain a copy of SAMHSA's standard Infrastructure Grants Program Announcement, INF-05 PA, and the PHS 5161-1 (Rev. 7/00) application form before preparing and submitting an application. The INF-05 PA describes the general program design and provides instructions for applying for all SAMHSA Infrastructure Grants, including the Historically Black Colleges and Universities National Resource Center for Substance Abuse and Mental Health Service System Infrastructure Development. SAMHSA's Infrastructure Grants provide funds to

increase the capacity of mental health and substance abuse service systems to support effective programs and services. Additional instructions and specific requirements for this funding opportunity are described below.

I. Funding Opportunity Description

Authority: Sections 509 and 520A of the Public Health Service Act, as amended and subject to the availability of funds.

The Historically Black Colleges and Universities National Resource Center for Substance Abuse and Mental Health Service System Infrastructure Development (HBCU-NRC) is one of SAMHSA's Infrastructure Grants. The purpose of the HBCU-NRC cooperative agreement is to provide funds to support an innovative national resource center dedicated to the following 3 goals: (1) Establishing a national network of HBCUs to facilitate collaboration among the 104 HBCU institutions; (2) supporting culturally appropriate substance abuse treatment and mental health disorders prevention and treatment student health services and wellness needs on HBCU campuses; and (3) facilitating the design of accredited courses, minors/majors and undergraduate and graduate degree programs that adapt State requirements and encourage student interest in substance abuse and mental health.

Applications should reflect a program that achieves these goals and may propose any of the activities listed under Section I-2.1 Allowable Activities of the INF-05 PA. However, the successful applicant must undertake the following required activities:

- Establish and manage a viable structure to serve all 104 HBCU institutions.
- Support the annual Dr. Lonnie E. Mitchell Substance Abuse Conference with tracks on substance abuse and mental health treatment and prevention.
- Establish a database to measure student participation and impact of the Dr. Lonnie E. Mitchell Substance Abuse Conference.
- Develop a strategic plan for the HBCU-NRC.
- Convene the HBCU-NRC steering committee at least twice a year.
- Coordinate technical assistance efforts with SAMHSA's Addiction Technology Transfer Centers (ATTCs), the Mental Health Information Network, and other appropriate SAMHSA-funded activities.
- Establish and maintain a data base of HBCUs with substance abuse and mental health curricula, programs, and faculty.
- Develop assessment models for evaluating substance abuse and mental health curricula and/or programs at HBCUs and in communities at large.
- Disseminate information about effective practices within the mental

health services and substance abuse treatment fields and promote/encourage career opportunities for HBCU students in the substance abuse and mental health fields.

- Conduct on-site and distance learning opportunities to promote awareness of mental health and associated evidence-based practices.
- Pilot campus-based suicide screenings and referrals to appropriate mental health treatment.

Background: The National Institute on Drug Abuse (NIDA), in conjunction with the Center for Substance Abuse Treatment (CSAT) and in collaboration with the Morehouse School of Medicine and the Cork Institute-Southeast ATTC, helped to create the National HBCU Substance Abuse Consortium (NHBCUSAC) to address the shortage of qualified, trained, and licensed professionals, especially ethnic minorities, who are capable of treating and preventing substance abuse disorders.

In 1995, CSAT began providing funding to the NHBCUSAC to develop curriculum models and enhance the expansion of college degrees being offered at HBCUs that led to licensure in substance abuse and health-related academic programs. CSAT and the Center for Substance Abuse Prevention (CSAP) supported the initiation of the National Dr. Lonnie E. Mitchell Substance Abuse Conference that brought together researchers, practitioners, faith communities, treatment providers, government officials, and most importantly, students from HBCUs across the country to introduce them to the substance abuse field and stimulate increased awareness and capacity building in substance abuse curricula and services among the faculty. Since that time, CSAT and the NHBCUSAC have expanded their interests to include mental health disorders affecting HBCUs and surrounding communities. Accordingly, CMHS is joining as a cosponsor of this initiative.

Outreach is critical to helping HBCUs develop the capacity to address substance abuse treatment and mental health wellness, as well as improve academic programs and curricula to prepare students to earn degrees and work towards careers in the fields of substance abuse treatment and mental health. For the past several years, CSAT's support for NHBCUSAC activities has been provided on a year-to-year basis under an interagency agreement with various National Institutes of Health. Based on the growing needs within HBCU campuses to develop capacities to address

substance abuse treatment and mental health, formalizing the network of HBCUs with CSAT and CMHS support is expected to improve student access to information and training, thereby furthering support efforts to establish a culturally appropriate workforce.

II. Award Information

1. Estimated Funding Available/Number of Awards: It is expected that up to \$1.075 million will be available to fund one (1) award in FY 2005. The maximum allowable award is \$1.075 million in total costs (direct and indirect) per year for up to 3 years. Proposed budgets cannot exceed the allowable amount in any year of the proposed project. The actual amount available for the awards may vary, depending on unanticipated program requirements and the number and quality of the applications received. Annual continuations will depend on the availability of funds, grantee progress in meeting program goals and objectives, and timely submission of required data and reports.

This is a Category 2—Comprehensive Infrastructure Grant; the total award may be used for infrastructure development and implementation pilots. The allowance of 15 percent of the total grant award for implementation pilots specified in INF-05 PA is not applicable to this program. Funding requested for pilot campus-based suicide screening and referral to appropriate mental health treatment may not exceed \$150,000 per year. Funding requested for the annual Dr. Lonnie E. Mitchell Substance Abuse Conference may not exceed \$500,000 per year. The \$500,000 set aside for the conference includes a contribution from SAMHSA's Center for Substance Abuse Prevention.

This program is being announced prior to the annual appropriation for FY 2005 for SAMHSA's programs, with funding estimates based on the President's budget request for FY 2005. Applications are invited based on the assumption that sufficient funds will be appropriated for FY 2005 to permit funding of an award. All applicants are reminded, however, that we cannot guarantee that sufficient funds will be appropriated to permit SAMHSA to fund any applications.

2. Funding Instrument: Cooperative Agreement.

Because of the complexity of this cross-center initiative, and the anticipation of ongoing involvement of the Federal government in the development of the program guidelines, this award will be made as a cooperative agreement. The grantee will establish a

steering committee for this initiative, and will manage the steering committee's logistical and programmatic needs. The steering committee will consist of the HBCU-NRC Project Director; members of the Executive Board of the NHBCUSAC; two representatives selected by the grantee from among the HBCU institutions that are not current members of the NHBCUSAC; and the CSAT and CMHS Project Officers. All steering committee members will have a vote. Non-voting representatives of professional organizations that have expertise in the fields of substance abuse treatment and mental health may be invited to steering committee meetings on an as-needed basis.

Role of Grantee:

- Comply with the terms and conditions of the cooperative agreement and collaborate with SAMHSA staff in project implementation.

- Provide SAMHSA with data required to comply with the Government Performance and Results Act (GPRA). The grantee must meet with SAMHSA Project Officers within two months after the award of the cooperative agreement to begin discussing the grantee's evaluation strategy and how it will meet SAMHSA GPRA requirements.

- Participate with SAMHSA staff in any necessary development and refinement of HBCU-NRC policies, evaluation designs, measures, and databases.

- Keep policies consistent with SAMHSA policies on data sharing, access to data and materials, and publications.

- Attend meetings with SAMHSA as typically required of cooperative agreement grantees. These may be conducted in person, electronically, or by conference call.

- Provide funds for HBCU-NRC staff to attend relevant national meetings and conferences.

- Collaborate in planning and participate in any joint learning workshops with the ATTCs and other appropriate SAMHSA-funded activities.

Role of SAMHSA Staff:

- Work with the HBCU-NRC to help coordinate activities.

- Provide guidance and technical assistance across all the project's components, and conduct site visits as needed.

- Approve project implementation plan.

- Monitor and review progress of the HBCU-NRC project and make recommendations regarding moving through successive stages including its potential continuance.

- Participate in any necessary development and refinement of the HBCU-NRC policies, evaluation designs, measures, and databases.

- Facilitate the coordination of this program with other SAMHSA policies and activities, as appropriate.

- Participate as voting members of the HBCU-NRC steering committee.

- Approve steering committee structure and membership.

- Review and approve products prior to publication and dissemination.

- Approve proposed pilots and subawards.

The HBCU-NRC Steering Committee will:

- Consist of the HBCU-NRC Project Director, members of the Executive Board of the NHBCUSAC; two representatives selected by the grantee from among the HBCU institutions that are not current members of the NHBCUSAC; and the CSAT and CMHS Project Officers who will participate in but will not chair meetings.

- Meet at least twice annually. The first meeting of the steering committee may be convened at the request of SAMHSA Project Officers; the HBCU-NRC Steering Committee will coordinate with the SAMHSA Project Officers in scheduling, planning, and carrying out future meetings.

- Assist in the development and refinement of HBCU-NRC policies, evaluation designs, measures, and databases.

- Collaborate with SAMHSA in designing and implementing evaluation plans that will include SAMHSA GPRA goals and program specific goals.

III. Eligibility Information

1. *Eligible Applicants* are the 104 nationally recognized Historically Black Colleges and Universities (HBCUs) or a consortium of HBCUs with a lead college/university as the applicant. The recipient of the award will be the entity legally responsible for satisfying the grant requirements. The applicant must agree to involve and serve all 104 HBCUs in the United States.

Eligibility is limited to the nationally recognized HBCUs or a consortium of HBCUs because the target audiences for activities supported under this initiative are HBCUs and HBCU students. Since there is a high concentration of African American students on these campuses, HBCUs are uniquely situated to provide the perspective regarding the substance abuse and mental health needs and issues surrounding the African American population in and around these college campuses. This initiative also supports Executive Orders 12320 and 12876 to "strengthen the capacity of

historically Black colleges and universities to provide quality education, to overcome the effects of discriminatory treatment, and to provide advice to the President regarding the needs in the areas of infrastructure, academic programs, and faculty and institutional development."

These eligibility criteria supersede the criteria specified in Section III-1 of the INF-05 PA.

2. *Cost Sharing or Matching* is not required.

3. *Other:* Applicants must also meet certain application formatting and submission requirements or the application will be screened out and will not be reviewed. These requirements are described in Section IV-2 below as well as in the INF-05 PA.

IV. Application and Submission Information

1. *Address to Request Application Package:* Complete application kits may be obtained from the National Clearinghouse for Alcohol and Drug Information (NCADI) at 1-800-729-6686, or the National Mental Health Information Center at 1-800-789-2647. When requesting an application kit for this program, the applicant must specify the funding opportunity title "HBCU-NRC" and the funding opportunity number (TI 05-002). All information necessary to apply, including where to submit applications and application deadline instructions, is included in the application kit. The PHS 5161-1 application form is also available electronically via SAMHSA's World Wide Web home page: http://www.samhsa.gov/Grants/generalinfo/useful_Info.aspx and the INF-05 PA is available electronically at <http://www.samhsa.gov/grants/standard/Infrastructure/index.aspx>.

When submitting an application, be sure to type "TI 05-002/HBCU-NRC" in Item Number 10 on the face page of the application form. Also, SAMHSA applicants are required to provide a DUNS Number on the face page of the application. To obtain a DUNS Number, access the Dun and Bradstreet web site at <http://www.dunandbradstreet.com> or call 1-866-705-5711.

2. *Content and Form of Application Submission:* Information including required documents, required application components, and application formatting requirements is available in the INF-05 PA in Section IV-2.

Checklist for Application Formatting Requirements

SAMHSA's goal is to review all applications submitted for grant

funding. However, this goal must be balanced against SAMHSA's obligation to ensure equitable treatment of applications. For this reason, SAMHSA has established certain formatting requirements for its applications. If you do not adhere to these requirements, your application will be screened out and returned to you without review.

☐ Use the PHS 5161-1 application.
☐ Applications must be received by the application deadline or have proof of timely submission, as detailed in Section IV-3 of the INF-05 PA.

☐ Information provided must be sufficient for review.

☐ Text must be legible.

• Type size in the Project Narrative cannot exceed an average of 15 characters per inch, as measured on the physical page. (Type size in charts, tables, graphs, and footnotes will not be considered in determining compliance.)
 • Text in the Project Narrative cannot exceed 6 lines per vertical inch.

☐ Paper must be white paper and 8.5 inches by 11.0 inches in size.

☐ To ensure equity among applications, the amount of space allowed for the Project Narrative cannot be exceeded.

• Applications would meet this requirement by using all margins (left, right, top, bottom) of at least one inch each, and adhering to the page limit for the Project Narrative stated in the INF-05 PA.

• Should an application not conform to these margin or page limits, SAMHSA will use the following method to determine compliance: The total area of the Project Narrative (excluding margins, but including charts, tables, graphs and footnotes) cannot exceed 58.5 square inches multiplied by the page limit. This number represents the full page less margins, multiplied by the total number of allowed pages.

• Space will be measured on the physical page. Space left blank within the Project Narrative (excluding margins) is considered part of the Project Narrative, in determining compliance.

To facilitate review of your application, follow these additional guidelines. Failure to adhere to the following guidelines will not, in itself, result in your application being screened out and returned without review. However, the information provided in your application must be sufficient for review. Following these guidelines will help ensure your application is complete, and will help reviewers to consider your application.

☐ The 10 application components required for SAMHSA applications should be included. These are:

- Face Page (Standard Form 424, which is in PHS 5161-1).
- Abstract.
- Table of Contents.
- Budget Form (Standard Form 424A, which is in PHS 5161-1).
- Project Narrative and Supporting Documentation.
- Appendices.
- Assurances (Standard Form 424B, which is in PHS 5161-1).
- Certifications (a form in PHS 5161-1).

1).
 • Disclosure of Lobbying Activities (Standard Form LLL, which is in PHS 5161-1).

• Checklist (a form in PHS 5161-1).

☐ Applications should comply with the following requirements:

• Provisions relating to confidentiality, participant protection and the protection of human subjects, as indicated in the INF-05 PA.

• Budgetary limitations as indicated in Sections I, II, and IV-5 of the INF-05 PA.

• Documentation of nonprofit status as required in the PHS 5161-1.

☐ Pages should be typed single-spaced in black ink with one column per page. Pages should not have printing on both sides.

☐ Please number pages consecutively from beginning to end so that information can be located easily during review of the application. The cover page should be page 1, the abstract page should be page 2, and the table of contents page should be page 3.

Appendices should be labeled and separated from the Project Narrative and budget section, and the pages should be numbered to continue the sequence.

☐ The page limits for Appendices stated in the specific funding announcement should not be exceeded.

☐ Send the original application and two copies to the mailing address in the funding announcement. Please do not use staples, paper clips, and fasteners. Nothing should be attached, stapled, folded, or pasted. Do not use heavy or lightweight paper, or any material that cannot be copied using automatic copying machines. Odd-sized and oversized attachments such as posters will not be copied or sent to reviewers. Do not include videotapes, audiotapes, or CD-ROMs.

3. *Submission Dates and Times:* Applications must be received by January 18, 2005. You will be notified by postal mail that your application has been received. Additional submission information is available in the INF-05 PA in Section IV-3.

4. *Intergovernmental Review:* Applicants for this funding opportunity must comply with Executive Order

12372 (E.O.12372). E.O.12372, as implemented through Department of Health and Human Services (DHHS) regulation at 45 CFR part 100, sets up a system for State and local review of applications for Federal financial assistance. Instructions for complying with E.O. 12372 are provided in the INF-05 PA in Section IV-4. A current listing of State Single Points of Contact (SPOCs) is included in the application kit and is available at <http://www.whitehouse.gov/omb/grants/spoc.html>.

5. *Funding Restrictions:* Information concerning funding restrictions is available in the INF-05 PA in Section IV-5.

V. Application Review Information

1. *Evaluation Criteria:* Applications will be reviewed against the Evaluation Criteria and requirements for the Project Narrative specified in Section V. Application Review Information in the INF-05 PA. The following information describes exceptions or limitations to the INF-05 PA and provides special requirements that pertain only to HBCU-NRC grants. Applicants must discuss the following requirements in their applications, in addition to the requirements specified in the INF-05 PA:

1.1 In "Section A: Statement of Need," the 4th bullet is deleted.

1.2 Performance Measurement: All SAMHSA grantees are required to collect and report certain data so that SAMHSA can meet its obligations under the Government Performance and Results Act (GPRA) and the grantees can meet their requirements to provide quarterly progress reports to SAMHSA as outlined below. All applicants must document their ability to collect and report data using the Knowledge Application Customer Satisfaction GPRA tool in "Section D. Evaluation and Data". This tool can be found at <http://www.csat-gpra.samhsa.gov> (click on 'Data Collection Tools/Instruments'), along with instructions for completing it. GPRA data must be collected at the end of each event and thirty days post-event. GPRA data must be entered into the GPRA Web system within 7 business days of the forms being completed. In addition, 80% of the participants must be followed up on. GPRA data are to be collected and then entered into CSAT's GPRA Data Entry and Reporting System (<http://www.csat-gpra.samhsa.gov>). Training and technical assistance on data collecting, as well as data entry, will be provided by CSAT.

The HBCU–NRC grantee will be required to report quarterly on their progress in meeting the Required Activities in Section I. Funding Opportunity Description of this NOFA as well as any other activities proposed in the application. At present, performance measures for these required activities have not been established. In “Section D. Evaluation and Data,” applicants must describe their current ability to collect and report data on their progress in meeting the Required Activities and any other proposed activities. Applicants may also propose performance measures to be considered by SAMHSA. The HBCU–NRC steering committee will work to build consensus around a common set of performance measures aligned with the Required Activities and program goals in Section I. Funding Opportunity Description of this NOFA. The grantee will be required to report in narrative format on the broad themes around their progress in their quarterly reports. Once SAMHSA has obtained necessary approval from the Office of Management and Budget (OMB), further data requirements will be mandated based on the consensus from the steering committee. The grantee may choose at any time to begin collecting more specific data related to the agreed upon measures to assist in building local support for continued sustainability for their activities once the period of Federal funding ends. SAMHSA will work with the grantee to assist them in building performance measurement systems that will provide needed local policy information.

Program activities may be used to demonstrate SAMHSA’s contribution to the White House Initiative for Historically Black Colleges and Universities.

Outcome measures expected from the HBCU–NRC:

- Program reports and evaluations that include client satisfaction and performance with relevant Government Performance and Results Act (GRPA) measures.
- Practice changes resulting from participating in the substance abuse and HIV prevention, substance abuse treatment, and mental health wellness tracks at the Dr. Lonnie E. Mitchell Substance Abuse Conference.
- An increase in the number of HBCUs that will make substance abuse and mental health a major part of their student orientations by 25% in year 2 and 50% in year 3 relative to the baseline estimate in year 1 of the project.
- An increase in the number of HBCUs that offer courses,

concentrations, minors and/or majors in the fields of substance abuse and/or addiction and mental health by 15% in year 2 and 30% in year 3 relative to the baseline estimate in year 1 of the project.

- Number of referrals to mental health treatment as a result of suicide screenings.

2. Review and Selection Process:

Information about the review and selection process is available in the INF–05 PA in Section V–2.

VI. Award Administration Information

Award administration information, including award notices, administrative and national policy requirements, and reporting requirements are available in the INF–05 PA in Section VI. SAMHSA’s standard terms and conditions are available at http://www.samhsa.gov/Grants/generalinfo/grants_management.aspx.

The HBCU–NRC program requires reporting in addition to that outlined in Section VI–3 Reporting Requirements of the INF–05 PA. The HBCU–NRC is expected to provide the following types of reports:

- Quarterly progress reports.
- Annual progress and fiscal reports.
- Final summary report at the end of the 3-year cycle.
- Periodic delivery of electronic copies of contact and service data.

Additional reports may be required on special projects and activities (e.g., collaborative services delivered with supplemental funding by another Federal agency partnering with SAMHSA in this program).

VII. Agency Contacts for Additional Information

For questions concerning program issues contact:

CSAT: Shannon Taitt, SAMHSA/CSAT/OPAC, 1 Choke Cherry Road, Room 5–1037, Rockville, MD 20857. 240–276–1691; e-mail: shannon.taitt@samhsa.hhs.gov.

CMHS: Roslyn Holliday Moore, SAMHSA/CMHS/OPAC, 1 Choke Cherry Road, Room 6–1077, Rockville, MD 20857. 240–276–1825; e-mail: roslyn.moore@samhsa.hhs.gov.

For questions on grants management issues contact: Kimberly Pendleton, SAMHSA/Division of Grants Management, 1 Choke Cherry Road, Room 7–1097, Rockville, MD 20857. 240–276–1421; e-mail: kimberly.pendleton@samhsa.hhs.gov.

Dated: October 22, 2004.

Daryl Kade,

Director, Office of Policy Planning and Budget, Substance Abuse and Mental Health Services Administration.

[FR Doc. 04–24300 Filed 10–29–04; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

Open Meeting of the Federal Interagency Committee on Emergency Medical Services (FICEMS)

AGENCY: Federal Emergency Management Agency (FEMA), Emergency Preparedness and Response Directorate, Department of Homeland Security.

ACTION: Notice of open meeting.

SUMMARY: FEMA announces the following open meeting.

Name: Federal Interagency Committee on Emergency Medical Services (FICEMS).

Date of Meeting: December 2, 2004.

Place: Room 2029, National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22161.

Times: 10:30 a.m.—Main FICEMS Meeting; 1 p.m.—FICEMS Counter-Terrorism Subcommittee and Ambulance Safety Subcommittee.

Proposed Agenda: Review and submission for approval of previous FICEMS Committee Meeting Minutes; Ambulance Safety Subcommittee and Counter-terrorism Subcommittee report; Action Items review; presentation of member agency reports; and reports of other interested parties.

SUPPLEMENTARY INFORMATION: This meeting will be open to the public with limited seating available on a first-come, first-served basis. See the Response and Security Procedures below. For those driving, parking is complimentary. If you are interested in taking METRO, blue line, and need shuttle service from/to METRO/NTIS, please notify Ms. Patti Roman when following the response procedures below.

Response Procedures: Committee Members and members of the general public who plan to attend the meeting should contact Ms. Patti Roman, on or before Tuesday, November 30, 2004, via mail at NATEK Incorporated, 21355 Ridgetop Circle, Suite 200, Dulles, Virginia 20166–8503, or by telephone at (703) 674–0190, or via facsimile at (703) 674–0195, or via e-mail at proman@natekinc.com. This is

necessary to be able to create and provide a current roster of visitors to NTIS Security per directives.

Security Procedures: Increased security controls and surveillance are in effect at the National Technical Information Service facilities. All visitors must have a valid picture identification card and their vehicles will be subject to search by Security personnel. All visitors will be issued a visitor pass which must be worn at all times while in the facility. Please allow adequate time before the meeting to complete the security process.

Conference Call Capabilities: If you are not able to attend in person, a toll free number has been set up for teleconferencing. The toll free number will be available from 10 a.m. until 4 p.m. Members should call in around 10:30 a.m. The number is 1-800-320-4330. The FICEMS conference code is "430746#."

FICEMS Meeting Minutes: Minutes of the meeting will be prepared and will be available upon request 30 days after they have been approved at the next FICEMS Committee Meeting on March 3, 2005. The minutes will also be posted on the United States Fire Administration Web site at <http://www.usfa.fema.gov/fire-service/ems/ficems.shtm> within 30 days after their approval at the March 3, 2005 FICEMS Committee Meeting.

Dated: October 25, 2004.

R. David Paulison,

U.S. Fire Administrator, Director of the Preparedness Division.

[FR Doc. 04-24331 Filed 10-29-04; 8:45 am]

BILLING CODE 9110-17-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA-169-1220-PG]

Notice of Public Meeting, Carrizo Plain National Monument Advisory Committee

SUMMARY: In accordance with Federal Land Policy and Management Act (FLPMA) and the Federal Advisory Committee Act of 1972 (FACA), the United States Department of Interior, Bureau of Land Management (BLM), Carrizo Plain National Monument Advisory Committee will meet as indicated below:

DATES: The meeting will be held on Saturday, December 11, 2004, at the Carrisa Elementary School on Highway 58. The school is located approximately 2 miles to the NW of the Soda Lake Road turn-off on Hwy. 58. The meeting

will begin at 10 a.m. and finish at 5 p.m. There will be a public comment period from 3-4 p.m. Please bring your own sack lunch.

SUPPLEMENTARY INFORMATION: The nine-member Carrizo Plain National Monument Advisory Committee advises the Secretary of the Interior, through the Bureau of Land Management, on a variety of public land issues associated with the public land management in the Carrizo Plain National Monument in Central California. At this meeting, Monument staff will present updated information on the progress on the draft Carrizo Plain National Monument Resource Management Plan, and discuss other coordination opportunities. This meeting is open to the public, who may present written or verbal comments. Depending on the number of persons wishing to comment, and the time available, the time allotted for individual oral comments may be limited. Individuals who plan to attend and need special assistance such as sign language interpretation or other reasonable accommodations should contact BLM as indicated below.

FOR FURTHER INFORMATION CONTACT:

Bureau of Land Management, Attention: Marlene Braun, Monument Manager, 3801 Pegasus Drive, Bakersfield, CA, 93308. Phone at (661) 391-6119 or e-mail at: mbraun@blm.gov.

Marlene Braun,

Monument Manager, Carrizo Plain National Monument.

[FR Doc. 04-24336 Filed 10-29-04; 8:45 am]

BILLING CODE 4310-40-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ID-400-1120-PH]

Notice of Public Meeting, Coeur d'Alene District Resource Advisory Council Meeting; Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act (FLPMA) and the Federal Advisory Committee Act of 1972 (FACA), the U.S. Department of the Interior, Bureau of Land Management (BLM) Coeur d'Alene District Resource Advisory Council (RAC) will meet as indicated below.

DATES: December 2 and 3, 2004. The meeting will be held in the conference room at Coffeerville located at 1710 North 4th Street in Coeur d'Alene on December 2nd from 10:30 a.m. to 5 p.m.

and on December 3rd from 8 a.m. to about 2 p.m. The public comment period will be from 8 a.m. to 9 a.m. on December 3, 2004.

FOR FURTHER INFORMATION CONTACT:

Stephanie Snook, RAC Coordinator, BLM Coeur d'Alene District, 1808 N. Third Street, Coeur d'Alene, Idaho 83814 or telephone (208) 769-5004.

SUPPLEMENTARY INFORMATION: The 15-member Council advises the Secretary of the Interior, through the Bureau of Land Management, on a variety of planning and management issues associated with public land management in Idaho. The agenda for the December 2 and 3, 2004, meeting will include: Election of officers, an update on the Idaho BLM Reorganization, an overview of the Coeur d'Alene District programs, reports on past RAC meetings and an update on the Resource Management Plans being prepared for the Coeur d'Alene and Cottonwood Field Offices.

All meetings are open to the public. The public may present written comments to the Council. Each formal Council meeting will also have time allocated for hearing public comments. Depending on the number of persons wishing to comment and time available, the time for individual oral comments may be limited. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact the BLM as provided above.

Dated: October 26, 2004.

Stephanie Snook,

Acting District Manager.

[FR Doc. 04-24322 Filed 10-29-04; 8:45 am]

BILLING CODE 4310-GG-P

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 731-TA-776-779 (Review)]

Certain Preserved Mushrooms From Chile, China, India, and Indonesia

Determinations

On the basis of the record¹ developed in these subject five-year reviews, the United States International Trade Commission (Commission) determines, pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)) (the Act), that revocation of the antidumping duty orders on certain preserved mushrooms from Chile, China, India,

¹ The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

and Indonesia² would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

Background

The Commission instituted these reviews on November 3, 2003 (68 FR 62322), and determined on February 6, 2004, that it would conduct full reviews (69 FR 7793, February 19, 2004). Notice of the scheduling of the Commission's reviews and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** on May 18, 2004 (69 FR 28156). The hearing was held in Washington, DC, on September 9, 2004, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determinations in these reviews to the Secretary of Commerce on October 28, 2004. The views of the Commission are contained in USITC Publication 3731 (October 2004), entitled *Certain Preserved Mushrooms from Chile, China, India, and Indonesia: Investigations Nos. 731-TA-776-779 (Review)*.

Issued: October 26, 2004.

By order of the Commission.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 04-24325 Filed 10-29-04; 8:45 am]

BILLING CODE 7020-02-P

DEPARTMENT OF JUSTICE

Parole Commission

Public Announcement; Pursuant to the Government in the Sunshine Act (Pub. L. 94-409) [5 U.S.C. 552b]

AGENCY HOLDING MEETING: Department of Justice, United States Parole Commission.

TIME AND DATE: 10:30 a.m., Monday, November 8, 2004.

PLACE: 5550 Friendship Boulevard, 4th Floor, Chevy Chase, Maryland 20815.

STATUS: Open.

MATTERS TO BE CONSIDERED: The meeting is being held to discuss and vote on rule amendments that would extend an administrative appeal procedure to revoked District of Columbia parolees and allow revocation decisions for such

parolees to be made, in most cases, by one Parole Commissioner.

AGENCY CONTACT: Pamela Posch, Office of the General Counsel, United States Parole Commission, (301) 492-5959.

Dated: October 27, 2004.

Rockne Chickinell,

General Counsel, United States Parole Commission.

[FR Doc. 04-24384 Filed 10-28-04; 9:48 am]

BILLING CODE 4410-10-M

DEPARTMENT OF LABOR

Employment and Training Administration

Solicitation for Grant Applications (SGA); High-Growth Job Training Initiative Grants Correction

AGENCY: Employment and Training Administration (ETA), Labor.

ACTION: Notice; correction.

SUMMARY: The Employment and Training Administration published a document in the **Federal Register** on September 17, 2004, concerning the availability of grant funds to address labor shortages, innovative training strategies, and other workforce challenges in the healthcare and biotechnology industries. This correction is to provide additional clarification on eligibility information and to extend the closing date to November 16, 2004.

FOR FURTHER INFORMATION CONTACT: Kevin Brumback, Grants Management Specialist, Division of Federal Assistance, (202) 693-3381.

Corrections

In the **Federal Register** of September 17, 2004, in FR Volume 69, Number 180: On page 56086, in the third column, is corrected to read:

B. *Matching Funds:* Paid employee release time will be accepted as match on a case-by-case basis where: (a) Trainees are bona-fide employees; (b) the employer counts only regular salary and wages, but not overtime, benefits, or other costs, for each trainee for time spent attending classes during working hours; and (c) the trainee remains employed with the employer for sixty days after completion of training.

On page 56087, in the third column, is corrected to read:

C. *Submission Date, Times and Addresses:* The closing date for receipt of applications under this announcement is November 16, 2004 at 4 p.m. Eastern Standard Time.

Signed at Washington, DC, this 28th day of October, 2004.

R. Lance Grubb,

Deputy Administrator, OFAM.

[FR Doc. 04-24424 Filed 10-29-04; 8:45 am]

BILLING CODE 4510-30-P

DEPARTMENT OF LABOR

Veterans' Employment and Training Service

Agency Information Collection Activities: Proposed Collection; Comment Request: Federal Contractor Veterans' Employment Report VETS-100

ACTION: Notice to extend current collection.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) (44 U.S.C. 3506(c)(2)(A)). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed.

DATES: Comments are to be submitted by January 3, 2005.

ADDRESSES: Comments are to be submitted to Paul Robertson, Regulatory Specialist, Office of Agency Management and Budget, Veterans' Employment and Training Service, U.S. Department of Labor, Room S-1312, 200 Constitution Ave., NW., Washington, DC 20210. Electronic mail (e-mail) is the preferred method for submitting comments. Comments must be clearly identified as pertaining to this **Federal Register** notice. E-mail may be sent to robertson.paul@dol.gov. Written comments limited to 10 pages or fewer may also be transmitted by facsimile to (202) 693-4755 (this is not a toll free number). Receipt of submissions, whether by U.S. Mail, e-mail or FAX transmittal, will not be acknowledged; however, the sender may request confirmation that a submission has been received, by telephoning VETS at (202) 693-4719 (VOICE) or (202) 693-4753 (TTY/TDD).

FOR FURTHER INFORMATION CONTACT: Contact Robert Wilson, Division of

² Commissioner Daniel R. Pearson dissents with regard to Indonesia.

Investigation and Compliance, Veterans' Employment and Training Service, U.S. Department of Labor, Room S-1312, 200 Constitution Avenue, NW., Washington, DC 20210, or by e-mail at Wilson.Robert@dol.gov.

Copies of the referenced information collection request are available for inspection and copying through the Veterans' Employment and Training Service (VETS) and will be mailed to persons who request copies by telephoning Robert Wilson at (202) 693-4719.

SUPPLEMENTARY INFORMATION:

I. Background

The Federal Contractor Veterans Employment Report VETS-100, as administered by the U.S. Department of Labor, is used to facilitate Federal contractor and subcontractor reporting of their employment and new hiring activity. Employers with Federal contracts awarded before December 1, 2003, are to follow the reporting guidance found in 41 CFR-250. Title 38 U.S.C. 4212 (d) was amended by the Veterans' Employment Opportunities Act on October 31, 1998, and now requires the collection of information from entities holding contracts of \$25,000 or more with Federal maximum and minimum number of employees employed by the contractor at each hiring location. Employers with contracts of \$25,000 or more that were awarded by the Federal government before December 1, 2003, are required to report the employment of targeted veterans on the VETS-100 Report. Departments or agencies to report annually on (a) the number of current employees in each job category and at each hiring location who are special disabled veterans, the number who are veterans of the Vietnam era, and the number who are other eligible veterans who served on active duty during a war or a campaign or expedition for which a campaign badge has been authorized; (b) the total number of employees hiring during the report period and of those, the number of special disabled, the number who are veterans of the Vietnam era, and the number who are other veterans; and the maximum and minimum number of employees employed by the contractor at each hiring location.

II. Desired Focus of Comments

Currently VETS is soliciting comments concerning the proposed information collection request for the Federal Contractor Veterans' Employment Report VETS-100. The Department of Labor is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; including the validity of the methodology and assumptions used.

- Enhance the quality, utility, and clarity of the information to be collected; and

- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

III. Current Actions

This notice requests the Office of Management and Budget approval for the paperwork requirements for the Federal Contractor Veterans Employment Report VETS-100.

Type of Review: Regular submission.

Agency: Veterans' Employment and Training Service.

Title: Federal Contractor Veterans' Report VETS-100.

OMB Number: 1293-0005.

Affected Public: Business or other for-profit institutions and not-for-profit institutions.

Total Respondents: 187,755.

Average Time per Response: 30 minutes.

Total Burden Hours: 140,816.

Total Annualized Capital/startup costs: \$0.

Comments submitted in response to this notice will be summarized and included in the agency's request for OMB approval of the information collection request. Comments will become a matter of public record.

Dated in Washington, DC, this 25th day of October, 2004.

Frederico Juarbe, Jr.,

Assistant Secretary.

[FR Doc. 04-24306 Filed 10-29-04; 8:45 am]

BILLING CODE 4510-79-P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-390]

Tennessee Valley Authority; Notice of Withdrawal of Application for Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of Tennessee Valley Authority (the licensee) to withdraw its March 10, 2004, application for proposed amendment to Facility Operating License No. NPF-90 for the Watts Bar Nuclear Plant, Unit 1, located in Rhea County, Tennessee.

The proposed amendment would have revised the allowable value as shown in Technical Specification table 3.3.8-1, "Auxiliary Building Gas Treatment System (ABGTS) Actuation Instrumentation," for the Spent Fuel Pool radiation monitors.

The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the **Federal Register** on March 30, 2004 (69 FR 16624). However, by letter dated September 24, 2004, the licensee withdrew the proposed change.

For further details with respect to this action, see the application for amendment dated March 10, 2004, and the licensee's letter dated September 24, 2004, which withdrew the application for license amendment. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, Public File Area O-1F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the Agencywide Documents Access and Management Systems (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, <http://www.nrc.gov/reading-rm/adams/html>. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS, should contact the NRC PDR Reference staff by telephone at 1-800-397-4209, or 301-415-4737 or by e-mail to pdr@nrc.gov.

Dated in Rockville, Maryland, this 14th day of October 2004.

For the Nuclear Regulatory Commission.

Robert J. Pascarelli,

Project Manager, Section 2, Project Directorate II, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 04-24303 Filed 10-29-04; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION**[Docket No. 03005310]****Notice of Availability of Environmental Assessment and Finding of No Significant Impact for License Termination for ExxonMobil Research and Engineering Company's Facility in Annandale, NJ****AGENCY:** Nuclear Regulatory Commission.**ACTION:** Notice of Availability.**FOR FURTHER INFORMATION CONTACT:**

Kathy Modes, Materials Security & Industrial Branch, Division of Nuclear Materials Safety, Region I, 475 Allendale Road, King of Prussia, Pennsylvania 19406, telephone (610) 337-5251, fax (610) 337-5269; or by e-mail: kad@nrc.gov.

SUPPLEMENTARY INFORMATION:**I. Introduction**

The Nuclear Regulatory Commission (NRC) is terminating Materials License No. 29-05260-13 issued to ExxonMobil Research and Engineering Company, and authorizing release of its facility in Annandale, New Jersey for unrestricted use. NRC has prepared an Environmental Assessment (EA) in support of this action in accordance with the requirements of 10 CFR Part 51. Based on the EA, the NRC has concluded that a Finding of No Significant Impact (FONSI) is appropriate. The license will be terminated following the publication of this Notice.

II. EA Summary

The purpose of the action is to authorize the release of the licensee's Annandale, New Jersey facility for unrestricted use. ExxonMobil Research and Engineering Company (ExxonMobil) has been authorized by NRC since June 30, 1986, to use radioactive materials for research and development purposes at the Annandale, New Jersey site. On December 18, 2003, ExxonMobil requested that NRC release the facility for unrestricted use. ExxonMobil has conducted surveys of the facility and provided information to the NRC to demonstrate that the site meets the license termination criteria in Subpart E of 10 CFR Part 20 for unrestricted release.

NRC staff has prepared an EA in support of the license amendment. The facility was remediated and surveyed prior to the licensee requesting the license amendment. The NRC staff has

reviewed the information and final status survey submitted by ExxonMobil. Based on the reviews, the staff has determined that there are no additional remediation activities necessary to complete the proposed action. Therefore, the staff considered the impact of the residual radioactivity at the facility and concluded that since the residual radioactivity meets the requirements in Subpart E of 10 CFR Part 20, a Finding of No Significant Impact is appropriate.

III. Finding of No Significant Impact

The staff has prepared the EA (summarized above) in support of the termination of the license and release of the facility for unrestricted use. The NRC staff has evaluated ExxonMobil's request and the results of the surveys and has concluded that the completed action complies with the criteria in Subpart E of 10 CFR Part 20. The staff has found that the environmental impacts from the action are bounded by the impacts evaluated by NUREG-1496, Volumes 1-3, "Generic Environmental Impact Statement in Support of Rulemaking on Radiological Criteria for License Termination of NRC-Licensed Facilities" (ML042310492, ML042320379, and ML042330385). On the basis of the EA, the NRC has concluded that the environmental impacts from the action are expected to be insignificant and has determined not to prepare an environmental impact statement for the action.

IV. Further Information

Documents related to this action, including the application for the license amendment and supporting documentation, are available electronically at the NRC's Electronic Reading Room at <http://www.nrc.gov/reading-rm/adams.html>. From this site, you can access the NRC's Agencywide Document Access and Management System (ADAMS), which provides text and image files of NRC's public documents. The ADAMS accession numbers for the documents related to this Notice are: The Environmental Assessment (ML042930009), Letter dated December 17, 2003, requesting termination of the license (ML040130270), letter dated August 12, 2004, providing additional information (ML042380119), and letter dated August 31, 2004, providing additional information (ML042510189). Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS, should contact the NRC PDR Reference staff by telephone at (800) 397-4209 or

(301) 415-4737, or by e-mail to pdrr@nrc.gov.

These documents may be viewed electronically at the NRC Public Document Room (PDR), O 1 F21, One White Flint North, 11555 Rockville Pike, Rockville, MD, 20852. The PDR reproduction contractor will copy documents for a fee. The PDR is open from 7:45 a.m. to 4:15 p.m., Monday through Friday, except on Federal holidays.

Dated at King of Prussia, Pennsylvania this 25th day of October, 2004.

For the Nuclear Regulatory Commission.

John D. Kinneman,

Chief, Materials Security & Industrial Branch, Division of Nuclear Materials Safety Region I.

[FR Doc. 04-24305 Filed 10-29-04; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION**Solicitation of Public Comments on the Implementation of the Reactor Oversight Process****AGENCY:** Nuclear Regulatory Commission.**ACTION:** Request for public comment.

SUMMARY: Nearly 5 years have elapsed since the U.S. Nuclear Regulatory Commission (NRC) implemented its revised Reactor Oversight Process (ROP). The NRC is currently soliciting comments from members of the public, licensees, and interest groups related to the implementation of the ROP. This solicitation will provide insights into the self-assessment process and a summary of the feedback will be included in the annual ROP self-assessment report to the Commission.

DATES: The comment period expires on December 16, 2004. The NRC will consider comments received after this date if it is practical to do so, but is only able to ensure consideration of comments received on or before this date.

ADDRESSES: Completed questionnaires and/or comments may be e-mailed to nrcprep@nrc.gov or sent to Michael T. Lesar, Chief, Rules and Directives Branch, Office of Administration (Mail Stop T-6D59), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Comments may also be hand-delivered to Mr. Lesar at 11554 Rockville Pike, Rockville, Maryland, between 7:30 a.m. and 4:15 p.m. on Federal workdays.

Documents created or received at the NRC after November 1, 1999, are

available electronically through the NRC's Public Electronic Reading Room on the Internet at <http://www.nrc.gov/reading-rm.html>. From this site, the public can access the NRC's Agencywide Documents Access and Management System (ADAMS), which provides text and image files of the NRC's public documents. For more information, contact the NRC's Public Document Room (PDR) reference staff at 301-415-4737 or 800-397-4209, or by e-mail at pdr@nrc.gov.

FOR FURTHER INFORMATION CONTACT: Ms. Serita Sanders, Office of Nuclear Reactor Regulation (Mail Stop: OWFN 7A15), U.S. Nuclear Regulatory Commission, Washington DC 20555-0001. Ms. Sanders can also be reached by telephone at 301-415-2956 or by e-mail at SXS5@nrc.gov.

SUPPLEMENTARY INFORMATION:

Program Overview

The mission of the NRC is to regulate the civilian uses of nuclear materials in the United States to protect the health and safety of the public and the environment, and to promote the common defense and security by preventing the proliferation of nuclear material. This mission is accomplished through the following activities:

- License nuclear facilities and the possession, use, and disposal of nuclear materials.
- Develop and implement requirements governing licensed activities.
- Inspect and enforce licensee activities to ensure compliance with these requirements and the law.

While the NRC's responsibility is to monitor and regulate licensees' performance, the primary responsibility for safe operation and handling of nuclear materials rests with each licensee.

As the nuclear industry in the United States has matured for more than 27 years, the NRC and its licensees have learned much about how to safely operate nuclear facilities and handle nuclear materials. In April 2000, the NRC began to implement more effective and efficient inspection, assessment, and enforcement approaches, which apply insights from these years of regulatory oversight and nuclear facility operation. Key elements of the Reactor Oversight Process (ROP) include NRC inspection procedures, plant performance indicators, a significance determination process, and an assessment program that incorporates various risk-informed thresholds to help determine the level of NRC oversight and enforcement. Since ROP

development began in 1998, the NRC has frequently communicated with the public by various initiatives: conducting public meetings in the vicinity of each licensed commercial nuclear power plant, issuing FRNs soliciting feedback on the ROP, publishing press releases about the new process, conducting multiple public workshops, placing pertinent background information in the NRC's Public Document Room, and establishing an NRC Web site containing easily accessible information about the ROP and licensee performance.

NRC Public Stakeholder Comments

The NRC continues to be interested in receiving feedback from members of the public, various public stakeholders, and industry groups on their insights regarding the CY 2004 implementation of the ROP. In particular, the NRC is seeking responses to the questions listed below, which will provide important information that the NRC can use in ongoing program improvement. A summary of the feedback obtained will be provided to the Commission and included in the annual ROP self-assessment report.

This solicitation of public comments has been issued each year since ROP implementation in 2000. In previous years, the question had been free-form in nature requesting written responses. Although written responses are still encouraged, we have added specific choices to best describe your experience to enable us to more objectively determine your level of satisfaction.

In addition, we are asking for feedback under distinct time frames to enable us to trend your level of satisfaction: During the initial year of ROP implementation (2000), and current ROP implementation. In future years, we will ask for feedback only for current ROP implementation.

Questions

As previously discussed, we are asking for feedback under distinct time frames to enable us to trend your level of satisfaction. The questionnaire has been modified to benchmark the results. In responding to these questions, please consider your experiences using the NRC oversight process during initial implementation (first year of ROP) and current ROP implementation.

Shade in the circle that most applies to your experiences as follows: (1) Very much (2) somewhat (3) neutral (4) somewhat less than needed (5) far less than needed

If there are experiences that are rated as unsatisfied, or if you have specific thoughts or concerns, please elaborate in the "Comments" section that follows

the question and offer your opinion for possible improvements. If there are experiences or opinions that you would like to express that cannot be directly captured by the questions, document that in question number 20.

Questions Related to Specific ROP Program Areas

(As appropriate, please provide specific examples and suggestions for improvement.)

(1) Does the Performance Indicator Program promote plant safety?

	1	2	3	4	5
Initial ROP Implementation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Current ROP	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Comments:

(2) Does appropriate overlap exist between the Performance Indicator Program and the Inspection Program?

	1	2	3	4	5
Initial ROP Implementation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Current ROP	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Comments:

(3) Is the reporting of PI data efficient?

	1	2	3	4	5
Initial ROP Implementation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Current ROP	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Comments:

(4) Does NEI 99-02, "Regulatory Assessment Performance Indicator Guideline" provide clear guidance regarding Performance Indicators?

	1	2	3	4	5
Initial ROP Implementation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Current ROP	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Comments:

(5) Is the information in the inspection reports useful to you?

	1	2	3	4	5
Initial ROP Implementation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Current ROP	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Comments:

(6) Does the Significance Determination Process yield equivalent results for issues of similar significance in all ROP cornerstones?

	1	2	3	4	5
Initial ROP Implementation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Current ROP	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Comments:

(7) Does the NRC take appropriate actions to address performance issues for those licensees outside of the Licensee Response Column of the Action Matrix?

	1	2	3	4	5
Initial ROP Implementation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Current ROP	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Comments:

(8) Is the information contained in assessment reports relevant, useful, and written in plain English?

	1	2	3	4	5
Initial ROP Implementation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Current ROP	○ ○ ○ ○ ○	Initial ROP Implementation	○ ○ ○ ○ ○	1 2 3 4 5
<i>Comments:</i>		Current ROP	○ ○ ○ ○ ○	
Questions related to the efficacy of the overall Reactor Oversight Process (ROP) (As appropriate, please provide specific examples and suggestions for improvement.)		<i>Comments:</i>		
(9) Are the ROP oversight activities predictable (<i>i.e.</i> , controlled by the process) and reasonably objective (<i>i.e.</i> , based on supported facts, rather than relying on subjective judgement)?		(17) Has the NRC implemented the ROP as defined by program documents?		
Initial ROP Implementation	○ ○ ○ ○ ○	Initial ROP Implementation	○ ○ ○ ○ ○	1 2 3 4 5
Current ROP	○ ○ ○ ○ ○	Current ROP	○ ○ ○ ○ ○	
<i>Comments:</i>		<i>Comments:</i>		
(10) Is the ROP risk-informed, in that the NRC's actions are graduated on the basis of increased significance?		(18) Does the ROP reduce unnecessary regulatory burden on licensees?		
Initial ROP Implementation	○ ○ ○ ○ ○	Initial ROP Implementation	○ ○ ○ ○ ○	1 2 3 4 5
Current ROP	○ ○ ○ ○ ○	Current ROP	○ ○ ○ ○ ○	
<i>Comments:</i>		<i>Comments:</i>		
(11) Is the ROP understandable and are the processes, procedures and products clear and written in plain English?		(19) Does the ROP minimize unintended consequences?		
Initial ROP Implementation	○ ○ ○ ○ ○	Initial ROP Implementation	○ ○ ○ ○ ○	1 2 3 4 5
Current ROP	○ ○ ○ ○ ○	Current ROP	○ ○ ○ ○ ○	
<i>Comments:</i>		<i>Comments:</i>		
(12) Does the ROP provide adequate regulatory assurance when combined with other NRC regulatory processes that plants are being operated and maintained safely?		(20) Please provide any additional information or comments related to the Reactor Oversight Process.		
Initial ROP Implementation	○ ○ ○ ○ ○	Dated at Rockville, Maryland, this 25th day of October 2004.		
Current ROP	○ ○ ○ ○ ○	For the U.S. Nuclear Regulatory Commission .		
<i>Comments:</i>		Stuart A. Richards,		
(13) Does the ROP improve the efficiency, effectiveness, and realism of the regulatory process?		<i>Office of Nuclear Reactor Regulation, Division of Inspection Program Management, Inspection Program Branch.</i>		
Initial ROP Implementation	○ ○ ○ ○ ○	[FR Doc. 04-24304 Filed 10-29-04; 8:45 am]		
Current ROP	○ ○ ○ ○ ○	BILLING CODE 7590-01-P		
<i>Comments:</i>		OFFICE OF PERSONNEL MANAGEMENT		
Initial ROP Implementation	○ ○ ○ ○ ○	Comment Request for Review of a Revised Information Collection: OPM Online Form 1417		
Current ROP	○ ○ ○ ○ ○	AGENCY: Office of Personnel Management.		
<i>Comments:</i>		ACTION: Notice.		
(14) Does the ROP ensure openness in the regulatory process?		SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-13, May 22, 1995), this notice announces that the Office of Personnel Management intends to submit to the Office of Management and Budget a request for clearance of a revised information collection. Online OPM Form 1417, Combined Federal Campaign Results Form, is used to collect information from the 320 local CFC's around the country to verify campaign results. Revisions to the form clarify OPM's request for budgeted campaign costs and provide the ability to create a printer friendly copy of the report.		
Initial ROP Implementation	○ ○ ○ ○ ○	We estimate 320 Online OPM Forms 1417 are completed annually. Each form		
Current ROP	○ ○ ○ ○ ○			
<i>Comments:</i>				
(15) Has the public been afforded adequate opportunity to participate in the ROP and to provide inputs and comments?				
Initial ROP Implementation	○ ○ ○ ○ ○			
Current ROP	○ ○ ○ ○ ○			
<i>Comments:</i>				
(16) Has the NRC been responsive to public inputs and comments on the ROP?				

takes approximately 20 minutes to complete. The annual estimated burden is 107 hours.

Comments are particularly invited on: Whether this information is necessary for the proper performance of functions of the Office of Personnel Management, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the appropriate use of technological collection techniques or other forms of information technology.

For copies of this proposal, contact Mary Beth Smith-Toomey on (202) 606-8358, Fax (202) 418-3251 or E-mail to mbtoomey@opm.gov. Please be sure to include a mailing address with your request.

DATES: Comments on this proposal should be received within 60 calendar days from the date of this publication.

ADDRESSES: Send or deliver comments to—Curtis Rumbaugh, CFC Operations Manager, Office of CFC Operations, U.S. Office of Personnel Management, 1900 E Street, NW., Room 5450, Washington, DC 20415.

Office of Personnel Management.

Kay Coles James,

Director.

[FR Doc. 04-24337 Filed 10-29-04; 8:45 am]

BILLING CODE 6325-46-U

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 26643; 812-12953]

PacifiCare of Arizona, Inc., *et al.*; Notice of Application and Commission Statement

October 25, 2004.

AGENCY: Securities and Exchange Commission ("Commission").

ACTION: (1) Notice of application for an order under sections 3(b)(2) and 45(a) of the Investment Company Act of 1940 (the "Act") and (2) a Commission statement that the Commission is considering clarifying the primary business test under sections 3(b)(1) and (2) of the Act with respect to health maintenance organizations and similar entities that provide managed health care services (collectively, "HMOs").

APPLICANTS: PacifiCare of Arizona, Inc., PacifiCare of California, PacifiCare of Colorado, Inc., PacifiCare of Nevada,

Inc., PacifiCare of Oregon, Inc., PacifiCare of Texas, Inc. and PacifiCare of Washington, Inc. (the "PacifiCare HMOs").

SUMMARY OF APPLICATION AND

COMMISSION STATEMENT: Applicants seek orders under section 3(b)(2) of the Act declaring them to be primarily engaged in a business other than that of investing, reinvesting, owning, holding or trading in securities.¹ Applicants are in the business of offering managed care and other health insurance products. Applicants also seek an order under section 45(a) of the Act granting confidential treatment with respect to certain financial and other information. The Commission also is issuing a statement that it is considering clarifying the primary business test under sections 3(b)(1) and (2) of the Act with respect to HMOs (*see* Commission Statement *infra*).

FILING DATES: The application was filed on March 31, 2003, and amended on May 23, 2003, September 15, 2003, January 21, 2004, May 17, 2004, August 18, 2004, September 9, 2004 and September 22, 2004.

HEARING OR NOTIFICATION OF HEARING: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on November 19, 2004, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC, 20549-0609. Applicants, c/o Barbara L. Borden, Esq. and Frederick T. Muto, Esq., Cooley Godward LLP, 4401 Eastgate Mall, San Diego, CA 92121.

¹ On September 23, 2004, a temporary order was issued pursuant to section 3(b)(2) of the Act exempting applicants from all the provisions of the Act until the Commission takes final action on the application or until November 22, 2004, if earlier. Investment Company Act Release No. 26618 (September 23, 2004). Applicants also received temporary orders on May 28, 2003 (Investment Company Act Release No. 26060), September 29, 2003 (Investment Company Act Release No. 26194), January 23, 2004 (Investment Company Act Release No. 26339), and May 21, 2004 (Investment Company Act Release No. 26449).

FOR FURTHER INFORMATION CONTACT:

Marc R. Ponchione, Senior Counsel, at (202) 942-7927, or Janet M. Grossnickle, Branch Chief, at (202) 942-0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the Commission's Public Reference Branch, 450 Fifth Street, NW., Washington, DC, 20549-0102 (tel. 202-942-8090).

Applicants' Representations

1. Each of the PacifiCare HMOs is a wholly-owned subsidiary of PacifiCare Health Plan Administrators, Inc. ("PHPA"), an Indiana corporation formed in 1981. PHPA is a direct wholly-owned subsidiary of PacifiCare Health Systems, Inc. ("PacifiCare"), a Delaware corporation formed in 1996.² PacifiCare offers managed care and other health insurance products through the PacifiCare HMOs and its other subsidiaries to employer groups and Medicare beneficiaries in the United States and Guam. Each of the PacifiCare HMOs operates managed care plans that develop health care provider networks by entering into contracts with hospitals, physicians and other health care professionals to deliver health care cost-effectively. Each of the PacifiCare HMOs' managed care plans generally provides or arranges for the provision of health care services to subscribers or enrollees, or pays for or reimburses part of the cost for those services, in return for a prepaid or periodic charge paid by or on behalf of the subscribers or enrollees. Applicants state that the PacifiCare HMOs serve approximately 3.0 million HMO members.

2. Applicants state that each of the PacifiCare HMOs maintains a large portfolio of marketable securities and a cash position as part of its management of its primary health care operations. Applicants state that the PacifiCare HMOs historically have contracted with hospitals and physicians on a prepaid, capitated fixed-fee per member per-month basis, regardless of the services provided to each member, but have recently experienced a shift to "risk-retention contracts" under which they now bear a substantial amount of the direct risk that health care costs of the subscribers or enrollees of their health care products will differ from the prepaid or periodic charges paid by or on behalf of such ("underwriting risk").

² PacifiCare was the successor to a California corporation formed in 1983 that was reincorporated as a Delaware corporation in 1985.

Under the risk-retention contracts model, each PacifiCare HMO maintains a larger investment portfolio primarily because each PacifiCare HMO assumes underwriting risk that its per patient member costs may exceed its per member premiums that it sets in advance each year. Applicants state that each of the PacifiCare HMOs also maintains its portfolio to satisfy state regulatory net worth requirements.

3. Applicants state that the PacifiCare HMOs' profitability declined recently because of health care cost inflation, a lack of corresponding increases in Medicare reimbursement rates and because they did not fully anticipate the shift to risk-retention contracts in recent years when they made pricing and underwriting decisions for their products. At times during recent years, this decreased profitability caused a reduction in income from operations and an increased percentage of income attributable to the investment portfolios of the PacifiCare HMOs.

4. Applicants state that each of the PacifiCare HMOs is licensed as a HMO or similar entity in the state in which it operates and is regulated by the insurance commissioner or similar official of that state.³ Applicants also state that the PacifiCare HMOs are required by law, regulation and governmental policy to meet minimum statutory net worth requirements that generally mandate a diverse portfolio and prohibit exclusive investment in government securities. Applicants further state that each PacifiCare HMO must file financial information and annual reports with state regulators and is subject to audits and/or examination by state regulatory agencies on a regular basis.

Applicants' Legal Analysis

1. Section 3(a)(1)(A) of the Act defines the term "investment company" to include an issuer that is or holds itself out as being engaged primarily, or proposes to engage primarily, in the business of investing, reinvesting or trading in securities. Section 3(a)(1)(C) of the Act further defines an investment company as an issuer that is engaged or proposes to engage in the business of investing, reinvesting, owning, holding or trading in securities, and owns or proposes to acquire investment securities having a value in excess of 40 percent of the value of the issuer's total

³ PacifiCare of California, PacifiCare of Colorado, Inc., PacifiCare of Nevada, Inc., and PacifiCare of Texas, Inc. are licensed as HMOs. PacifiCare of Arizona, Inc. and PacifiCare of Washington, Inc. are licensed as health care services organizations. PacifiCare of Oregon, Inc. is licensed as a health care service plan.

assets (exclusive of government securities and cash items) on an unconsolidated basis. Under section 3(a)(2) of the Act, investment securities include all securities except U.S. Government securities, securities issued by employees' securities companies, and securities issued by majority-owned subsidiaries of the owner which (a) are not investment companies, and (b) are not relying on the exclusions from the definitions of investment company in section 3(c)(1) or 3(c)(7) of the Act.

2. Applicants state that none of the PacifiCare HMOs has ever held itself out as an investment company and that none of the PacifiCare HMOs believes that it is an investment company as defined in section 3(a)(1)(A) of the Act. Applicants state that more than 40 percent of the total unconsolidated assets of each of PacifiCare of Arizona, Inc., PacifiCare of Colorado, Inc., PacifiCare of Oregon, Inc., PacifiCare of Nevada, Inc., PacifiCare of Texas, Inc., and PacifiCare of Washington, Inc. consist of investment securities as defined in section 3(a)(2). Accordingly, each of these PacifiCare HMOs may be deemed an investment company within the meaning of section 3(a)(1)(C) of the Act.⁴

3. Rule 3a-1 provides an exemption from the definition of investment company if no more than 45 percent of a company's total assets consist of, and not more than 45 percent of its net income over the last four quarters is derived from, securities other than Government securities and securities of majority-owned subsidiaries and companies primarily controlled by it. Applicants state that none of the PacifiCare HMOs currently are able to rely on rule 3a-1 because investment securities comprise a large percentage of their total assets. In recent years, some of the PacifiCare HMOs also would not have been able to rely on rule 3a-1 because of operating losses.

4. Section 3(b)(2) of the Act provides that, notwithstanding section 3(a)(1)(C), the Commission may issue an order declaring an issuer to be primarily engaged in a business other than that of

investing, reinvesting, owning, holding or trading in securities directly, through majority-owned subsidiaries, or controlled companies conducting similar types of businesses. Applicants request orders under section 3(b)(2) of the Act declaring that each of the PacifiCare HMOs is primarily engaged in a business other than that of investing, reinvesting, owning, holding or trading in securities, and therefore is not an investment company as defined in the Act. Applicants submit that each of the PacifiCare HMOs meets the requirements of section 3(b)(2) because it is primarily engaged in the health care service business, and not in the business of investing, reinvesting, owning, holding or trading in securities, and its business operations are analogous to those of insurance companies.

5. In determining whether an issuer is "primarily engaged" in a non-investment company business under section 3(b)(2), the Commission considers the following factors: (a) the company's historical development, (b) its public representations of policy, (c) the activities of its officers and directors, (d) the nature of its present assets (the "Asset Factor"), and (e) the sources of its present income (the "Income Factor").⁵

a. Historical Development

Applicants state that each PacifiCare HMO was formed for the purpose of providing health care services and that each has provided such services since inception. Applicants also state that each of the PacifiCare HMOs has engaged in the pursuit of providing health care services to the exclusion of other activities and that each intends to continue to engage in the business of providing health care services.

b. Public Representations of Policy

Applicants state that PacifiCare's periodic reports describing the business of the PacifiCare HMOs focus on improving net income from health care services operations and have never emphasized the possibility of significant appreciation from investment securities as a material factor in PacifiCare's or the PacifiCare HMOs' future growth. Applicants also state that the PacifiCare HMOs have never held themselves out as investment companies within the meaning of the Act and are unaware of any public representations that would indicate that any of the PacifiCare HMOs are in any business other than the health care services business. Applicants assert that press releases

issued by PacifiCare and the PacifiCare HMOs concern events regarding the PacifiCare HMOs' operations and the development of new products and services and that public statements by PacifiCare and the PacifiCare HMOs emphasize PacifiCare's mission to create long-term stockholder value as a leading health and consumer services company.

c. Activities of Officers and Directors

Applicants state that members of the boards of directors and the officers of each of the PacifiCare HMOs generally have extensive experience in the management and oversight of health care services provider organizations and focus almost exclusively on the management of their respective managed care plans and the further development of their respective health care provider networks. Applicants also state that other than adopting an investment policy and receiving periodic reports, the PacifiCare HMOs' officers and directors have minimal involvement with their respective PacifiCare HMO's investment securities and typically spend substantially all of their time on operating activities. Applicants further state that only the CFO and/or treasurer or assistant treasurer of each of the PacifiCare HMOs spends any time on cash and securities management. Applicants represent that management of PacifiCare's investments involves the equivalent of nine full-time employees, or 0.1% of a total of approximately 8,000 PacifiCare employees. Applicants state that the other employees of the PacifiCare HMOs are involved in activities in connection with the day-to-day operations and support of a health care services provider organization, including provider and hospital contract management, claims processing, medical bills review, member enrollment, accounting, customer services, data entry and other activities.

d. Nature of Assets

Applicants state that each of the PacifiCare HMO's operations as a health services company do not require substantial investments in property, plant, equipment or other tangible assets. Further, each of the PacifiCare HMOs maintains a large investment securities position because of statutory net worth or regulatory capital requirements, the need to manage the risk that the health care costs it underwrites will exceed premiums, and working capital requirements. Excluding PacifiCare of California, more than 40 percent of each of the PacifiCare HMO's unconsolidated assets consist of investment securities and, in some

⁴ Applicants state that PacifiCare of California does not currently meet the definition of an investment company under section 3(a)(1)(C). Applicants further state that PacifiCare of California also needs to maintain a substantial investment portfolio. Applicants assert that if any adverse development results in any asset impairments, goodwill impairments or other reduction in PacifiCare of California's total assets, its investment securities as a percentage of its total assets could exceed 40 percent. Applicants also state that the operating results of PacifiCare of California during the past four fiscal quarters have fluctuated widely. Applicants believe that it is more cost-effective for PacifiCare of California to seek an order in conjunction with the other PacifiCare HMOs.

⁵ Tonopah Mining Company of Nevada, 26 SEC 426, 427 (1947) ("Tonopah").

cases, investment securities constitute a large majority of total unconsolidated assets. Each PacifiCare HMO has adopted an investment policy that is designed to result in (1) each PacifiCare HMO holding predominantly high quality instruments; (2) capital preservation; (3) maintenance of sufficient liquidity to meet operating cash requirements; (4) outperforming certain benchmarks; (5) centralizing fiduciary control of all investment securities; and (6) adhering to state and federal regulations. None of the PacifiCare HMOs invests or trades in securities for short-term speculative purposes.

e. Sources of Income

Applicants state that each of the PacifiCare HMO's income from operations fluctuated widely during the past several years due to the greater than expected increase in risk-retention contracts and unanticipated health care cost increases. Applicants state that less than 45% of each PacifiCare HMO's total income for the last four fiscal quarters combined was derived from investment securities. For the four fiscal quarters ending on December 2002, however, most of the PacifiCare HMOs recorded a net operating loss. Applicants state that net investment income will continue to comprise a significant portion of the PacifiCare HMOs' income as they adapt to the changing health services market and because they use their investment securities to manage the risks they underwrite. Applicants believe that their sources of revenue are more representative of their activities as operating companies than their sources of income. Applicants assert that each of the PacifiCare HMO's income from investments constitutes only a small portion of each PacifiCare HMO's gross revenue. Applicants state that for each PacifiCare HMO, revenues from health care operations represent approximately 99 percent of each PacifiCare HMO's gross revenue, while revenues from investments constitute the remaining one percent. Each of the PacifiCare HMOs expects that in the future the percentage of its total revenue derived from health care operations will continue to be substantial and the percentage of its revenue from investments will continue to be minimal.

6. Section 3(c)(3) of the Act excludes insurance companies from the definition of investment company. Applicants believe, however, that none of the PacifiCare HMOs would be considered an insurance company within the meaning of the Act because

none of the PacifiCare HMOs is organized as a traditional indemnity insurance company and the PacifiCare HMOs primarily offer HMO products that are not regulated as insurance products under state insurance laws. Applicants submit that managed care companies, which developed after enactment of the Act and far more recently than insurance companies, are subject to similar regulatory schemes. Applicants believe that each of the PacifiCare HMO's operations and use of investment portfolio are substantially analogous to those of insurance companies. Applicants state that, similar to insurance companies, the PacifiCare HMOs manage the underwriting risk of excess health care costs in part through returns in their investment portfolios, are regulated under state law, and are required to maintain statutory net worth and comply with state investment regulations.

7. The PacifiCare HMOs thus assert that they qualify for an order under section 3(b)(2) of the Act.

Section 45(a) of the Act

1. Section 45(a) provides that information contained in any application filed with the Commission under the Act shall be made available to the public, unless the Commission finds that public disclosure is neither necessary nor appropriate in the public interest or for the protection of investors. Each of the PacifiCare HMOs requests an order under section 45(a) of the Act granting confidential treatment to information submitted in Appendix 7 to the application containing financial and other information about the PacifiCare HMOs, PacifiCare and PHPA.

2. The PacifiCare HMOs submit that the information disclosed in the application is sufficient to fully apprise any interested member of the public of the basis for the requested relief. Applicants state that from the presentation in the Application, the public can see the general nature of certain of the PacifiCare HMO's assets.

3. Applicants believe that public disclosure of certain financial and other information about the PacifiCare HMOs, PacifiCare and PHPA would cause the PacifiCare HMOs and PacifiCare competitive harm. Applicants state that they do not normally disclose specific financial information about the PacifiCare HMOs, the precise make-up of their consolidated investment portfolios and their internal investment policies. Applicants also state that their competitors would benefit from access to such information and neither PacifiCare nor the PacifiCare HMOs has

access to similar information about its competitors. Applicants further state that disclosure of certain financial information regarding the PacifiCare HMOs may confuse investors because the limited publicly available financial information concerning the PacifiCare HMOs is prepared for the purpose of complying with state regulations and in some cases is not calculated in accordance with GAAP, and therefore it may be different than the financial information set forth in the application. For these reasons, applicants believe that public disclosure of the information in Appendix 7 is neither necessary nor appropriate in the public interest or for the protection of investors.

4. The Freedom of Information Act generally provides that all information provided to or generated by the government should be made available to the general public, with certain exceptions set forth in the statute. One of those exceptions is for "trade secrets and commercial or financial information obtained from a person and privileged or confidential." Each of the PacifiCare HMOs believes that the information with respect to which applicants request confidential treatment falls within the exception described, and is thus eligible for protection under the Freedom of Information Act.⁶

Commission Statement

It does not appear that the circumstances that have led the PacifiCare HMOs to seek orders pursuant to section 3(b)(2) of the Act are unique. The Commission thus is considering clarifying the primary business test under sections 3(b)(1) and 3(b)(2) of the Act with respect to HMOs in the context of the order that would be issued to the PacifiCare HMOs.⁷ In place of the Asset Factor, the Commission is focusing on an HMO's bearing a substantial amount of underwriting risk, using its investment securities consistent with its business, and being licensed and supervised by a state. In connection with the Income Factor, the Commission is focusing on clarifying that an HMO may consider the sources of its present revenue so long as it derives substantially all of its total revenues from the health care operations.

⁶ Applicants understand that any relief granted pursuant to section 45(a) will not be dispositive in connection with any request the Commission might receive pursuant to the Freedom of Information Act.

⁷ See, e.g., ICOS Corp., Investment Company Act Release No. 19334 (Mar. 16, 1993).

By the Commission.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. E4-2918 Filed 10-29-04; 8:45 am]

BILLING CODE 8010-01-P

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

U.S. Canadian Minerals, Inc.; Order of Suspension of Trading

October 28, 2004.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of U.S. Canadian Minerals, Inc. (OTC Bulletin Board symbol "USCA"), a Nevada corporation. Questions have been raised about the accuracy of publicly disseminated information concerning, among other things, U.S. Canadian Minerals' financing and mining activities and the value of U.S. Canadian Minerals' purported assets.

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of the above-listed company.

Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that trading in the above listed company is suspended for the period from 9:30 a.m. EDT, October 28, 2004, through 11:59 p.m. EST, on November 10, 2004.

By the Commission.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 04-24411 Filed 10-28-04; 12:00 pm]

BILLING CODE 8010-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-50587; SR-Amex-2004-63]

Self-Regulatory Organizations; Order Approving a Proposed Rule Change and Amendment No. 1 by the American Stock Exchange LLC Relating to Minimum Size Guarantees for Linkage Orders

October 25, 2004.

I. Introduction

On August 3, 2004, the American Stock Exchange LLC ("Amex" or "Exchange"), filed with the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act

of 1934 ("Act")¹ and Rule 19b-4 thereunder,² a proposed rule change to modify the definitions of Firm Customer Quote Size ("FCQS") and Firm Principal Quote Size ("FPQS") contained in the Amex rules by changing certain minimum size guarantees for Linkage Orders to accommodate the "natural size" of quotations.³ On September 10, 2004, the Amex submitted Amendment No. 1 to the proposed rule change.⁴ Notice of the Amex's proposed rule change, as amended, was published in the **Federal Register** on September 23, 2004.⁵

No comments were received on the proposed rule change. This order approves the proposed rule change, as amended.

II. Description of the Proposals

The purpose of the proposed rule change is to amend the definitions of FCQS and FPQS provided in Amex Rule 940(b) to conform them to the definitions provided in the Linkage Plan, as amended by Joint Amendment No. 13.⁶ While the proposed rule change would maintain a general requirement in Amex Rule 940(b) that the FCQS and FPQS be at least 10 contracts, that requirement would not apply if, pursuant to its rules, the Exchange were disseminating a quotation of fewer than 10 contracts. In that case, the Amex could establish a FCQS or FPQS equal to its disseminated size, or "natural size."

Under the proposed rule change, as with Linkage orders today, if an order is of a size eligible for automatic execution, the Amex (as the receiving options exchange) must provide an automatic execution of the Linkage order. If this is not the case (for example, the Amex's automatic execution system is not engaged), the Exchange may allow the order to drop to manual handling. However, the Amex still must provide a manual execution

for at least the FCQS or FPQS, as appropriate (in this case, the size of its disseminated quotation of less than 10 contracts).

III. Discussion

After careful review, the Commission finds that the proposed rule change, as amended, is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.⁷ In particular, the Commission finds that the proposal, as amended, is consistent with the provisions of Section 6(b)(5) of the Act,⁸ which requires, among other things, that a national securities exchange's rules be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and to perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest.

The Commission notes that the Amex adopted the current definitions of FCQS and FPQS, which impose a "10-up" requirement, at a time when it had rules requiring that the minimum size disseminated with a quotation be for at least 10 contracts. Consequently, if the Amex received a customer limit order for fewer than 10 contracts, the Exchange would disseminate the price of the customer limit order with a size of 10 contracts and the specialist or the trading crowd would be responsible to make up the difference. Since implementation of the Linkage Plan, the Amex has amended Exchange Rule 958A to permit the dissemination of the "natural size" of customer limit orders that are of a size of less than 10 contracts.⁹ The Commission believes that approval of the proposed rule change will permit Amex to conform its rules relating to Linkage orders to Exchange rules that apply to non-Linkage orders and will allow the Amex to disseminate a customer limit order's "natural size," which should provide greater transparency to investors and the marketplace, and better reflect the true state of liquidity in the marketplace.

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,¹⁰ that the

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ The Exchange's rule filing is intended to conform Exchange rules to an amendment to the Plan for the Purpose of Creating and Operating an Intermarket Option Linkage ("Linkage Plan") filed by the Amex and the other participants of the Linkage Plan and recently approved by the Commission ("Joint Amendment No. 13"). See Securities Exchange Act Release No. 50562 (October 19, 2004) (File No. 4-429).

⁴ See Letter from Jeffery P. Burns, Associate General Counsel, Amex, to Nancy Sanow, Assistant Director, Division of Market Regulation, Commission, dated September 9, 2004 ("Amendment No. 1"). In Amendment No. 1, the Amex amended the proposed rule text to reflect a technical change.

⁵ Securities Exchange Act Release No. 50394 (September 16, 2004), 69 FR 57110 (SR-Amex-2004-63).

⁶ See Joint Amendment No. 13, *supra* note 3.

⁷ In approving these proposals, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

⁸ 15 U.S.C. 78f(b)(5).

⁹ See Securities Exchange Act Release No. 48957 (December 18, 2003), 68 FR 75294 (December 30, 2003) (SR-Amex-2003-24).

¹⁰ 15 U.S.C. 78s(b)(2).

proposed rule change (SR-Amex-2004-63), as amended, is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.¹¹

Jill M. Peterson,

Assistant Secretary.

[FR Doc. E4-2920 Filed 10-29-04; 8:45 am]

BILLING CODE 8010-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-50583; File No. SR-CBOE-2004-64]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Chicago Board Options Exchange, Inc. Relating to the Allocation of N-Second Group Trades Pursuant to Rule 6.45A(c)

October 22, 2004.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")¹ and Rule 19b-4 thereunder,² notice is hereby given that on October 14, 2004, the Chicago Board Options Exchange, Inc. ("CBOE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the CBOE. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The CBOE proposes to eliminate the Designated Primary Market-Maker ("DPM") participation entitlement for trades occurring pursuant to CBOE Rule 6.45A(c). Below is the text of the proposed rule change. Proposed new language is in *italics*; proposed deletions are in brackets.

* * * * *

Rule 6.45A Priority and Allocation of Trades for CBOE Hybrid System

* * * * *

(a)-(b) No change.

(c) Interaction of Market Participant's Quotes and/or Orders with Orders in Electronic Book.

* * * * *

(i)-(ii) No change.

(iii) DPM Participation Entitlement: [If a DPM is eligible for an allocation pursuant to the operation of this

paragraph (c) by virtue of being a member of the "N-second group" as described in paragraph (c)(ii), the DPM shall be entitled to receive an allocation equal to the amount it would be entitled to pursuant to the DPM participation right established pursuant to Rule 8.87 (and Regulatory Circulars issued thereunder). The DPM's entitlement percentage is expressed as a percentage of the remaining quantity after all public customer orders in the electronic book have been executed.] *There is no DPM participation entitlement applicable to orders allocated pursuant to paragraph (c).*

[(iv) Temporary Order Access Terminals: The Exchange will provide Temporary Order Access Terminals ("T-OATs") in each trading crowd in which Hybrid is operational. Each T-OAT, which will be reserved for the exclusive use of floor brokers, will allow the entry by floor brokers of agency orders that will be eligible to participate in the "N-second group." Each T-OAT will be conveniently located and will be easily accessible. The Exchange will provide in each crowd at least one T-OAT, and where necessary, as many T-OATs as are necessary to accommodate demand in that trading pit. The Exchange will continue to provide T-OATs until either November 28, 2003 or until the Hybrid system is capable of accepting orders from floor broker workstations that will be eligible to participate in the "N-second group," whichever occurs first.]

(d)-(e) No change.

. . . Interpretations and Policies

No change.

* * * * *

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it had received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

CBOE Rule 6.45A(c) governs the allocation of orders resting in the Exchange's electronic book ("book" or "Ebook") among market participants. Generally, if only one market participant interacts with the order in the book, he/she will be entitled to full priority. If, however, more than one market participant attempts to interact with the same order in the book, a "quote trigger" process initiates. Under the quote trigger process, the first market participant to interact with the book order starts a counting period lasting N-seconds whereby each market participant that submits an order within that "N-second period" becomes part of the "N-second group" and is entitled to share in the allocation of that order via the formula contained in the rule. The Exchange does not propose to change the operation of the quote trigger process other than to eliminate the DPM participation right for "N-second group" trades.

Currently, if a DPM is a member of the "N-second group," he/she receives the standard participation entitlement.³ The Exchange proposes to eliminate the participation entitlement to DPMs involved in the quote trigger process. Instead, DPMs will be treated as any other market participant and will take in accordance with the formula contained in the rule. The Exchange believes eliminating the DPM participation entitlement will incent other market participants to quote competitively by giving them a greater percentage of resting orders in the book. Generally, the DPM participation entitlement is at least 30% (up to the size of the DPM's quote). In crowds where there are several members in the "N-second group," this 30% may represent a relatively substantial portion of the book order. By treating the DPM as any other market participant, all market participants will be on equal footing. Accordingly, there should be a larger percentage of booked orders available for allocation to other non-DPM crowd members.

While the Exchange is in the process of amending CBOE Rule 6.45A(c), it takes this opportunity to eliminate paragraph (c)(iv) from the Rule. Under this paragraph, the Exchange was

¹¹ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ CBOE Rule 8.87 governs the operation of the DPM participation entitlement. The Exchange proposes no changes to the participation entitlement process or percentages.

obligated to provide Temporary Order Access Terminals in all Hybrid trading crowds until no later than November 28, 2003. As this date has come and gone, the Exchange proposes to eliminate this expired provision from the rule.

2. Statutory Basis

The Exchange believes this amendment to the quote trigger process will provide market participants with an enhanced incentive to quote competitively, which should enhance competition and provide investors with deeper and more liquid markets. For these reasons, the Exchange believes the proposed rule change is consistent with the Act and the rules and regulations under the Act applicable to a national securities exchange and, in particular, the requirements of Section 6(b) of the Act.⁴ Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)⁵ requirements that the rules of an exchange be designed to promote just and equitable principles of trade, to prevent fraudulent and manipulative acts and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The CBOE does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither received nor solicited written comments on the proposal.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding, or (ii) as to which the CBOE consents, the Commission will:

(A) By order approve such proposed rule change; or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an e-mail to rule-comments@sec.gov. Please include File Number SR-CBOE-2004-64 on the subject line.

Paper Comments

- Send paper comments in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549-0609.

All submissions should refer to File Number SR-CBOE-2004-64. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing also will be available for inspection and copying at the principal office of the CBOE. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make publicly available. All submissions should refer to File Number SR-CBOE-2004-64 and should be submitted on or before November 22, 2004.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.⁶

Jill M. Peterson,

Assistant Secretary.

[FR Doc. E4-2921 Filed 10-29-04; 8:45 am]

BILLING CODE 8010-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-50590; File No. SR-CHX-2004-36]

Self-Regulatory Organizations; Chicago Stock Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of Proposed Pilot Rule Change Relating to Transactions in Certain Exchange-Traded Funds

October 26, 2004.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on October 25, 2004, the Chicago Stock Exchange, Incorporated ("CHX" or "Exchange") filed with the Securities and Exchange Commission (the "Commission") the proposed pilot rule change as described in Items I, II and III below, which Items have been prepared by the Exchange. The Exchange filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act,³ and Rule 19b-4(f)(6)⁴ thereunder, which renders the rule change effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the interpretation from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

In its submission, the Exchange submitted a proposed rule change to CHX Article XX, Rule 37(a), which governs manual execution of eligible market and marketable limit orders. The proposed rule change, which will remain in effect for a 60-day pilot period expiring December 24, 2004, permits a CHX specialist, acting in its principal capacity, to manually execute an incoming market or marketable limit order in three exchange-traded funds at a price other than the national best bid or offer. The text of the proposed rule change is available at the Office of the Secretary, CHX and at the Commission.

⁶ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ 15 U.S.C. 78s(b)(3)(A).

⁴ 17 CFR 240.19b-4(f)(6).

⁴ 15 U.S.C. 78f(b).

⁵ 15 U.S.C. 78f(b)(5).

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the CHX included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received regarding the proposal. The text of these statements may be examined at the places specified in Item IV below. The CHX has prepared summaries, set forth in Sections A, B and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

On August 28, 2002, the Commission issued an order granting a *de minimis* exemption (the "Exemption") for transactions in certain exchange-traded funds ("Exempt ETFs")⁵ from the trade-through provisions of the Intermarket Trading System ("ITS") Plan.⁶

According to the CHX, as stated by both Commission staff and commissioners at an open meeting on August 27, 2002, rapid-fire quotations and executions in Exempt ETFs occur consistently throughout the trading day within a range around the NBBO, rendering it extremely difficult, if not impossible, to access liquidity at an exact NBBO price point. Compounding the "flickering" noted by the Commission, the Exchange has noted a marked increase in the incidence of locked and crossed markets in Exempt ETFs.

CHX Article XX, Rule 37(a), commonly referred to as the Exchange's "Best Rule," requires that with respect to any market or marketable limit order not executed automatically, a CHX specialist must " * * * either (a) manually execute such order at a price and size equal to the NBBO price and size at the time the order was received; or (b) act as agent for such order in seeking to obtain the best available price for such order on a marketplace other than the Exchange, using order routing systems where appropriate."

⁵ The three affected Exempt ETFs are the exchange-traded funds tracking the Nasdaq-100 Index ("QQQ"), the Dow Jones Industrial Average ("DIAMONDS") and the Standard & Poor's 500 Index ("SPDRs").

⁶ See Securities Exchange Act Release No. 46428 (August 28, 2002). At present, the Exemption extends to transactions that are "executed at a price that is no more than three cents lower than the highest bid displayed in CQS and no more than three cents higher than the lowest offer displayed in CQS."

According to the CHX, given the unique environment in which the ETFs are traded, and the difficulty that CHX represents that its specialists often encounter in accessing NBBO price points, the Exchange's Department of Market Regulation (the "Department") believes that its enforcement of the BEST Rule must take the ETF trading environment into account when the Department evaluates the execution prices of eligible market and marketable limit orders for Exempt ETFs. The Department believes that in certain instances, execution of an order in an Exempt ETF at a price other than the NBBO may nonetheless be consistent with the specialist's best execution obligation, in light of the unique environment that characterizes trading in Exempt ETFs. The Exchange believes that the current version of the BEST Rule contains sufficient latitude with respect to an order executed by a CHX specialist acting as agent for the order,⁷ but does not contemplate any flexibility for specialists acting in their principal capacity.⁸ Accordingly, the Exchange is submitting the proposed rule change, which permits a CHX specialist, acting in its principal capacity, to manually execute an incoming market or marketable limit order in an Exempt ETF at a price other than the NBBO.⁹

Significantly, the proposed rule change is not intended to excuse a CHX specialist from its best execution obligations with respect to manually-executed orders. Moreover, the proposed rule change only relates to orders that are executed manually, when a CHX specialist's ability to obtain liquidity at an exact NBBO price point is extremely limited. Orders that are executed automatically will continue to be executed by the Exchange's MAX automated execution system at the NBBO in effect at the time the order is received.

⁷ The Best Rule provision governing manual agency executions obligates the CHX specialist to seek " * * * the best **available** price." CHX Article XX, Rule 37(a)(2).

⁸ The Best Rule provision governing manual principal executions obligates the CHX specialist to execute the order at the " * * * **NBBO price and size** at the time the order was received." CHX Article XX, Rule 37(a)(2).

⁹ The CHX represents that this rule change is closely analogous to the Exchange's previously submitted interpretation regarding execution of resting limit orders in Exempt ETFs. Under the limit order interpretation, CHX specialists need not provide execution guarantees for Exempt ETFs, based on trade-throughs by other markets, that CHX specialists typically provide to all other listed issues. See Securities Exchange Act Release No. 46557 (September 26, 2002), 67 FR 61941 (October 2, 2002).

2. Statutory Basis

The CHX believes the proposal is consistent with the requirements of the Act and the rules and regulations thereunder that are applicable to a national securities exchange, and, in particular, with the requirements of Section 6(b) of the Act.¹⁰ The CHX further believes the proposal is consistent with Section 6(b)(5) of the Act¹¹ in that it is designed to promote just and equitable principles of trade, to remove impediments to, and to perfect the mechanism of, a free and open market and a national market system, and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement of Burden on Competition

The Exchange does not believe that the proposed rule change will impose any inappropriate burden on competition.

C. Self-Regulatory Organization's Statement on Comments Regarding the Proposed Rule Change Received From Members, Participants or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has been filed by the Exchange as a "non-controversial" rule change pursuant to Section 19(b)(3)(A)(i) of the Act¹² and subparagraph (f)(6) of Rule 19b-4 thereunder.¹³ Consequently, because the foregoing rule change: (1) Does not significantly affect the protection of investors or the public interest; (2) does not impose any significant burden on competition; and (3) does not become operative for thirty days from the date on which it was filed or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest, it has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b-4 thereunder.¹⁴

A proposed rule change filed under Rule 19b-4(f)(6)¹⁵ normally does not become operative prior to thirty days after the date of filing. However, pursuant to Rule 19b-4(f)(6)(iii), the Commission may designate a shorter

¹⁰ 15 U.S.C. 78f(b).

¹¹ 15 U.S.C. 78f(b)(5).

¹² 15 U.S.C. 78s(b)(3)(A)(i).

¹³ 17 CFR 240.19b-4(f)(6).

¹⁴ The Commission has waived the requirement that the Exchange provide the Commission with written notice of its intent to file the proposed rule change at least five days prior to the filing date.

¹⁵ 17 CFR 240.19b-4(f)(6).

time if such action is consistent with the protection of investors and the public interest. The Exchange seeks to have the proposed rule change become operative immediately so that its specialists may begin trading in accordance with the proposed rule change. The Commission, consistent with the protection of investors and the public interest, has determined to make the proposed rule change effective as of the date of this notice.¹⁶ The Commission notes that the execution guarantees provided by the Exchange are made on a voluntary basis by the Exchange, and that a specialist's duty of best execution will in no way be affected by this proposed rule change.

At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an e-mail to rule-comments@sec.gov. Please include File Number SR-CHX-2004-36 on the subject line.

Paper Comments

- Send paper comments in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549-0609.

All submissions should refer to File Number SR-CHX-2004-36. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule

change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing also will be available for inspection and copying at the principal offices of the CHX. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-CHX-2004-36 and should be submitted on or before November 22, 2004.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.¹⁷

Jill M. Peterson,

Assistant Secretary.

[FR Doc. E4-2946 Filed 10-29-04; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-50594; File No. SR-FICC-2004-16]

Self-Regulatory Organizations; Fixed Income Clearing Corporation; Notice of Filing of Proposed Rule Change Relating to Establishment of a Cross-Margining Agreement With the Clearing Corporation

October 26, 2004.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ notice is hereby given that on August 12, 2004, the Fixed Income Clearing Corporation ("FICC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change described in Items I, II, and III below, which items have been prepared primarily by FICC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested parties.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Government Securities Division of FICC ("GSD") is seeking to establish

a cross-margining arrangement with The Clearing Corporation ("TCC").

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, FICC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. FICC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of these statements.²

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Background

The Government Securities Division of FICC is proposing to enter into a new cross-margining agreement with TCC. FICC had a cross-margining arrangement in place with the Board of Trade Clearing Corporation ("BOTCC"), TCC's predecessor, through which certain Chicago Board of Trade ("CBOT") products were cross-margined with certain FICC products.³ The BOTCC arrangement was terminated on January 2, 2004, the date on which BOTCC ceased being the clearing organization for the CBOT products that were the subject of the arrangement.⁴ On January 2, 2004, the Chicago Mercantile Exchange ("CME") became the clearing organization for the CBOT products, which are now included in the cross-margining arrangement that FICC recently has with the CME.⁵

TCC recently became the clearing organization for EurexUS and has approached FICC regarding cross-margining certain U.S. Treasury and Agency futures and options on futures products traded on the EurexUS futures exchange and cleared by TCC with certain FICC products.⁶

FICC is proposing to enter into a new cross-margining agreement with TCC

² The Commission has modified the text of the summaries prepared by FICC.

³ Securities Exchange Act Release No. 45335 (January 25, 2002), 67 FR 4768 [File No. SR-GSCC-2001-03].

⁴ Securities Exchange Act Release No. 49142 (January 28, 2004), 69 FR 5623 [File No. SR-FICC-2004-02].

⁵ Securities Exchange Act Release No. 49003 (December 29, 2003), 69 FR 712 [File No. SR-FICC-2003-10].

⁶ The products traded on the EurexUS futures exchange and cleared by TCC are substantially similar to the CBOT products originally cleared by BOTCC.

¹⁶ For purposes of only accelerating the operative date of this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. ¹⁵ U.S.C. 78c(f).

¹⁷ CFR 200.30-3(a)(12).

¹⁵ U.S.C. 78s(b)(1).

("Proposed FICC-TCC Agreement") to cover the EurexUS traded products cleared by TCC. Under the Proposed FICC-TCC Agreement, the FICC products that will be eligible for cross-margining will be Treasury securities that fall into the GSD's offset classes A through G and GCF Repo Treasury securities with equivalent remaining maturities, non-mortgage-backed Agency securities that fall into the GSD's offset classes e and f, and GCF Repo non-mortgage-backed Agency securities with equivalent remaining maturities. The TCC products that will be eligible for cross-margining will be the EurexUS products, which are Two-Year Treasury Note Futures contracts and options thereon, Five-Year Treasury Note Futures contracts and options thereon, Ten-Year Treasury Note Futures contracts and options thereon, Thirty-Year Treasury Bond Futures contracts and options thereon, Five-Year Agency Note Futures contracts and options thereon, and Ten-Year Agency Note Futures contracts and options thereon, cleared or to be cleared by TCC.⁷

2. FICC's Cross-Margining Program in General

In general, cross-margining allows members to optimize their capital usage by permitting their clearing organizations to view their positions across clearing organizations as a combined portfolio and to reduce margin requirements accordingly.⁸ Margining based on the net combined risk of correlated positions is based on the cross margining arrangement under which FICC and each Participating CO agree to accept the correlated positions in lieu of supporting collateral.⁹ All

eligible positions maintained by a cross-margining participant in its account at FICC and in its (or its affiliate's) proprietary account at a Participating CO are eligible for cross-margining.¹⁰

Under the arrangement, FICC and each Participating CO holds and manages its own positions and collateral and independently determines the amount of margin that it will make available for cross-margining, which is referred to as the "residual margin amount." FICC computes the amount by which the cross-margining participant's margin requirement can be reduced at each clearing organization (*i.e.*, the "cross-margining reduction") by comparing the participant's positions and the related margin requirements at FICC against those at each Participating CO.¹¹ FICC offsets each cross-margining participant's residual margin amount at FICC against the offsetting residual margin amounts of the participant (or its affiliate) at each Participating CO.

If the margin that FICC has available for a participant is greater than the combined margin submitted by the Participating COs, FICC will allocate a portion of its margin equal to the combined margin at the Participating COs. If the combined margin submitted by the Participating COs is greater than the margin that FICC has available for that participant, FICC will first allocate its margin to the Participating CO with the most highly correlated position. If the positions are equally correlated, FICC will allocate pro rata based upon the residual margin amount available at each Participating CO. FICC and each Participating CO may then reduce the amount of collateral that they collect to reflect the offsets between the cross-margining participant's positions at FICC and its (or its affiliate's) positions at the Participating CO.¹²

margin agreement between itself and FICC. No preference is given by FICC to one Participating CO over another.

¹⁰ Upon implementation of the new arrangement between FICC and TCC, the arrangement will not apply to positions in a customer account at TCC that would be subject to the segregation requirements of the Commodity Exchange Act. This is also the case under the cross-margining arrangement that FICC has in place with the CME.

¹¹ FICC and the Participating COs currently use different margin rates to establish margin requirements for their respective products. Margin reductions in the cross-margining arrangement are always computed based on the lower of the applicable margin rates. This methodology results in a potentially lesser benefit to the participant but ensures a more conservative result (*i.e.*, more collateral held at the clearing organization) for the Participating CO and FICC.

¹² FICC and each Participating CO unilaterally have the right not to reduce a participant's margin requirement by the cross-margining reduction or to reduce it by less than the cross-margining reduction. However, the clearing organizations may

FICC and each Participating CO will guarantee the cross-margining participant's (or its affiliate's) performance to each other up to a specified maximum amount that relates back to the cross-margining reduction and the results of liquidating the member's positions and ultimately its collateral. The guaranty represents a contractual commitment that each clearing organization has to the other.

A default by a cross-margining participant will trigger the loss sharing provisions of the cross-margining agreement. The loss-sharing provisions determine the guaranty payments, if any, that will flow between the clearing organizations if the default of the participant results in a loss. It should be noted that a declaration of default of a cross-margining participant by one of the clearing organizations in and of itself will provide grounds for the other clearing organization to declare the participant (or its affiliate) in default as well. If the guaranty is triggered, the cross-margining participant becomes obligated to reimburse the guarantor clearing organization for the amount of the guaranty payment (called the "Reimbursement Obligation").

The cross-margining agreement also provides for the sharing of remaining resources beyond the cross-margining arrangement through a "cross-guaranty" provision. This provision reflects the view that excess collateral of a defaulting member should remain with the clearing organizations, if needed, to cover their losses. Specifically, if after guaranty payments, if any, one of the clearing organizations has a remaining surplus, and the other has a remaining loss, the agreement provides a mechanism for the distribution of that surplus to the clearing organization that still has a remaining loss.

3. Key Proposed Changes to the Former Agreement Between FICC and TCC

(a) The minimum margin factor under the former FICC-BOTCC cross-margining agreement was 50 percent. FICC and TCC have agreed to a minimum margin factor of 25 percent. This is the same minimum margin factor used in the current cross-margining arrangement with the CME.¹³

(b) The Proposed FICC-TCC Agreement provides for inter-offset class cross-margining whereas the former

not reduce a participant's margin requirement by more than the cross-margining reduction.

¹³ The minimum margin factor is the contractually agreed upon cap on the amount of the margin reduction that the clearing organizations will allow. Should FICC decide to change the minimum margin factor, it will submit a proposed rule filing under Section 19(b) of the Act.

⁷ TCC is not currently clearing the Agency futures products. However, because it expects to clear Agency futures products in the future, FICC has included these products in the proposed rule change and the draft agreement. These Agency products are also covered by the current cross-margining agreement between FICC and the CME.

⁸ Cross-margining is available to any FICC GSD netting member (with the exception of inter-dealer broker netting members) that is or that has an affiliate that is a member of a participating clearing organization ("Participating CO"). The FICC member (and its affiliate, if applicable) sign an agreement under which it (or they) agree to be bound by the cross-margining agreement between FICC and the Participating CO and which allows FICC or the Participating CO to apply the member's (or its affiliate's) margin collateral to satisfy any obligation of FICC to the Participating CO (or vice versa) that results from a default of the member (or its affiliate). Ownership of 50 percent or more of the common stock of an entity indicates control of the entity for purposes of the definition of "affiliate."

⁹ FICC employs the "hub-and-spoke" method of cross-margining, which means that FICC cross-margins on a multilateral basis (*i.e.*, with more than one Participating CO) with FICC as the "hub." Each Participating CO enters into a separate cross-

BOTCC arrangement was limited to intra-offset class cross-margining. The new agreement is consistent with the approach in the existing arrangement between FICC and the CME.

(c) Appendix B of the FICC–TCC Agreement will include more FICC products than did the former BOTCC arrangement. The former BOTCC agreement covered FICC offset classes C, E, F, G and f, and offset classes E, F, and f were defined more narrowly for purposes of the arrangement than they were defined in the GSD's rules. The Proposed FICC–TCC Agreement includes the GSD's offset classes A through G and GCF Repo Treasury securities with equivalent remaining maturities, non-mortgage-backed Agency securities that fall into the GSD's offset classes e and f, and GCF Repo non-mortgage-backed Agency securities with equivalent remaining maturities. These offset classes are as broad as they are defined in the GSD's rules.

(d) Appendix B of the FICC–TCC Agreement will also include FICC's GCF Repo Treasury and non-mortgage-backed Agency products. FICC is now able to margin its GCF Repo Treasury and non-mortgage-backed Agency products based upon the specific underlying collateral as opposed to the former system of margining these products based upon the longest maturity of eligible underlying collateral.¹⁴ Therefore, these GCF Repo products can now be included in the cross-margining arrangement because they are being margined at a specific rate based on the actual underlying Treasury and Agency collateral. These products are also included in the current cross-margining agreement between FICC and the CME.

(e) The Proposed FICC–TCC Agreement provides that the parties will agree from time to time in a separate writing on the disallowance factors that will be used in the arrangement. Prior to the implementation date of the proposed FICC–TCC cross-margining program, the disallowance factors will be tested and agreed to by FICC and TCC in writing.

(f) The current agreement between FICC and CME provides that in order to determine the gain or loss from the liquidation (resulting from a default) of

the positions that were cross-margined, only the proceeds from the side of the market that was offset pursuant to the agreement at the last margin cycle are considered. This approach will be extended to the Proposed FICC–TCC Agreement products to provide consistency in the liquidation methods.

(g) The former FICC–BOTCC agreement provided for a “Maximization Payment” whereby a clearing organization with a remaining surplus after all guaranty payments in relation to cross-margining were made (“Aggregate Net Surplus”) to distribute funds to one or more cross-margining partners with remaining losses. The Proposed FICC–TCC Agreement makes clear that: (i) the Maximization Payment is also a guaranty payment (albeit outside of cross-margining) and (ii) the defaulting member would have a reimbursement obligation with respect to such payment (“Maximization Reimbursement Obligation”). Should a clearing organization become obligated to pay the Maximization Payment, it may rely on the defaulting member's collateral to do so.¹⁵

(h) A provision has been added to take into account that a regulator or other entity having supervisory authority over FICC or TCC may direct the clearing organization not to liquidate a defaulting member or to partially liquidate such member. In order to prevent the affected clearing organization from being penalized under the agreement for failing to liquidate or partially liquidating the member in this type of situation, the Proposed FICC–TCC Agreement provides that the affected clearing organization would be deemed to have a cross-margin gain equal to the base amount of the guaranty (*i.e.*, cross-margining reduction) or a pro rated amount of the base amount of the guaranty in a partial liquidation scenario.

(i) The proposed FICC–TCC Agreement makes clear that the clearing organizations have security interests in the “Aggregate Net Surplus,” a large component of which would be the collateral and proceeds of positions of a

defaulting member, as security for any reimbursement obligation, including any maximization reimbursement obligation, that arises on the part of a defaulting member.

(j) The proposed FICC–TCC cross-margining participant agreement has language in Appendices D and E in order to further protect the clearing organizations by making clear that the clearing organizations have a security interest in the Aggregate Net Surplus and that a participant will have a reimbursement obligation in the event that a clearing organization becomes obligated to make a maximization payment. Members that wish to participate in the proposed FICC–TCC cross-margining arrangement will be required to execute the participant agreement to make them subject to the provisions of the Proposed FICC–TCC Agreement.

(4) Amendment 1 to the FICC–CME Cross-margining Agreement

FICC is proposing to amend Appendix A of the cross-margining agreement with the CME to add a reference to the Proposed FICC–TCC Agreement. In Appendix A, the parties set forth the other cross-margining or similar arrangements that they have in place and indicate whether such agreements take priority over the present agreement. As stated above, no preference is given by FICC to one Participating CO over another.

FICC believes that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to FICC and particularly with the requirements of Section 17A(b)(3)(F)¹⁶ of the Act, which requires that the rules of a clearing agency be designed to provide for the safeguarding of securities and funds which are in its possession or control or for which it is responsible. By continuing its cross-margin program to include products cleared by TCC, FICC will provide its members with the benefits of cross-margining, including greater liquidity and more efficient use of collateral, in a manner that is consistent with FICC's overall risk management process.

(B) Self-Regulatory Organization's Statement on Burden on Competition

FICC does not believe that the proposed rule change will have any impact, or impose any burden on, competition.

¹⁴ Because of a previous inability to obtain timely data on the actual instruments posted in support of GCF Repo positions, up until recently the GSD calculated affected members' clearing fund requirements based upon the assumption that collateral providers have assigned to each generic CUSIP the most volatile (*i.e.*, the longest maturity) collateral eligible. The GSD recently developed improvements to its margining methodology and is now able to identify the specific CUSIP posted.

¹⁵ The new guaranty provisions with respect to the Maximization Payment Guaranty are identical to the ones in the current cross-margining agreement between FICC and CME. In order to protect the clearing organizations in the event that a court determines that any amount of a Maximization Reimbursement Obligation may not be recovered by the clearing organization that made a Maximization Payment pursuant to a Maximization Payment Guaranty, provision has been added to the Proposed FICC–TCC Agreement providing that the payee clearing organization will be expected to return that amount. This protective provision is also in the FICC–CME cross-margining agreement.

¹⁶ 15 U.S.C. 78q–1(b)(3)(F).

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments relating to the proposed rule change have not yet been solicited or received. FICC will notify the Commission of any written comments received by FICC.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within thirty-five days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to ninety days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>) or
- Send an e-mail to rule-comments@sec.gov. Please include File Number SR-FICC-2004-16 on the subject line.

Paper Comments

- Send paper comments in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549-0609.

All submissions should refer to File Number SR-FICC-2004-16. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the

proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing also will be available for inspection and copying at the principal office of FICC and on FICC's Web site at <http://www.ficc.com>. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-FICC-2004-16 and should be submitted on or before November 16, 2004.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.¹⁷

Jill M. Peterson,

Assistant Secretary.

[FR Doc. E4-2962 Filed 10-29-04; 8:45 am]

BILLING CODE 8010-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-50586; File No. SR-NYSE-2004-13]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change and Amendment No. 1 Thereto by the New York Stock Exchange, Inc. To Adopt Rule 405A ("Non-Managed Fee-Based Account Programs—Disclosure and Monitoring")

October 25, 2004.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Exchange Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on February 25, 2004, the New York Stock Exchange, Inc. ("NYSE" or the "Exchange") filed with the Securities and Exchange Commission ("SEC" or the "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. On October 22, 2004, the NYSE filed Amendment No. 1 to the proposed rule change.³ The Commission is publishing this notice to

solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Proposed new NYSE Rule 405A ("Non-Managed Fee-Based Account Programs—Disclosure and Monitoring") would prescribe certain requirements for members and member organizations that offer programs that charge customers a fixed fee or percentage of account value in lieu of commissions. The requirements include disclosure, appropriateness determination, monitoring of transactional activity, and a follow-up system to contact customers. The text of the proposed new rule appears below. Proposed new language is in *italics*.

* * * * *

Rule 405A ("Non-Managed Fee-Based Account Programs—Disclosure and Monitoring")

(1) General Disclosures Required

Each member or member organization shall provide each customer, prior to the opening of an account in a Non-Managed Fee-Based Account Program, and annually thereafter, a disclosure document describing the types of Non-Managed Fee-Based Account Programs available to such customer. The document shall disclose, for each such Program type, sufficient information for the customer to make a reasonably informed determination as to whether the Program is appropriate for them, including, at minimum: a description of the services provided, eligible assets, fees charged including projected customer costs, any conditions or restrictions imposed, and a summary of the Program's advantages and disadvantages.

(2) Opening of Accounts

Members and member organizations are required to make a determination, prior to opening an account in a Non-Managed Fee-Based Account Program, that such Program is appropriate for each customer taking into account the services provided, anticipated costs, and customer objectives.

(3) Monitoring of Accounts

Each member or member organization must establish and maintain systems and procedures adequate to monitor, on an ongoing basis, transactional activity by customers in Non-Managed Fee-Based Account Programs. Such systems and procedures must include specific transactional parameters or criteria for identifying levels of customer account

¹⁷ 17 CFR 200.30-3(a)(12).

¹⁵ U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ See letter from Mary Yeager to Katherine A. England, Assistant Director, Division of Market Regulation, Commission, dated October 22, 2004.

activity that may be inconsistent with the Program costs incurred by the customer.

(4) Review and Follow-Up

Each member or member organization must maintain written procedures for contacting and following-up with customers identified pursuant to Paragraph (3) of this rule, at minimum, every 12 months. More frequent contact is required should circumstances warrant. The means (e.g., letter or phone call) and general content of each follow-up customer contact must be documented and retained in an easily accessible place. At minimum, such contact must include notification that the level of account activity for a specified time-frame may be inconsistent with the Program costs incurred by the customer.

(5) Applicability of Rule

This rule shall not apply to accounts opened on behalf of "Qualified Investors" as that term is defined in Section 3(a)(54) of the Securities Exchange Act of 1934 (15 U.S.C. 78c) or to any member or member organization that does not offer Non-Managed Fee-Based Account Programs to its customers.

(6) Definition

For purposes of this rule, the term "Non-Managed Fee-Based Account Program" shall refer to arrangements in which no investment advisory services are provided by the member or member organization and in which customers are charged a fixed fee and/or a percentage of account value, rather than transaction-based commissions.

Supplementary Material:

.10 See also Rule 405(1) requirement that member organizations use due diligence to learn the essential facts relative to every customer and every cash or margin account, including accounts in Non-Managed Fee-Based Account Programs, accepted or carried by such member organization.

* * * * *

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of

the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Background

In keeping with evolving investors' sentiment and needs, members and member organizations have increasingly been offering a wider variety of account types beyond traditional brokerage accounts, including on-line accounts and fee-based programs such as "wrap" accounts, whereby all the services (investment advice, execution, and clearance) provided by a broker-dealer are bundled together for a fee. Members and member organizations are also increasingly offering Non-Managed Fee Based Account Programs ("NFBA Programs") to their customers.

NFBA Programs are agreements between a broker-dealer and a customer in which the customer is charged a fixed fee and/or a percentage of account value rather than transaction-based commissions. Unlike "wrap" accounts, NFBA Programs do not offer investment advisory services but are directed by the customer or by an agent of the customer pursuant to a separate agreement. The primary advantage of NFBA Programs is that they offer a "volume discount" from traditional transaction-based commission charges.

Proposal

Every member and member organization is required by NYSE Rule 405 ("Diligence as to Accounts") to "[u]se due diligence to learn the essential facts relative to every customer, every order, [and] every cash or margin account.* * *" Likewise, NYSE Rule 342 ("Offices—Approval, Supervision and Control") requires that each member and member organization exercise supervision and control over each business activity. While NFBA Programs are subject to the provisions of these and all other applicable NYSE rules, they present potential regulatory issues that warrant a specifically tailored approach. For instance, as a general matter, a fee-based approach may be considered appropriate for customers who engage in moderate to high levels of trading activity since the price per trade is reduced as the number of trades increases. However, such arrangements may not be appropriate for customers who engage in a lower level of trading activity, as substantially greater transaction cost savings might be

realized in the context of a traditional pay-per-trade commission structure.

Various factors, including other services provided as part of the Program, must be considered to determine whether a given NFBA Program is an appropriate investment vehicle for a particular customer. The NYSE is proposing NYSE Rule 405A to address regulatory concerns in this regard by requiring initial informational disclosure to customers, appropriateness determination prior to account opening, ongoing monitoring, and follow-up as appropriate. Accordingly, the proposed rule requires each member and member organization to provide each customer, prior to the opening of an NFBA Program account and annually thereafter, a disclosure document describing the types of NFBA Programs available to such customer. The document would include for each account type, at minimum, a description of the services provided, eligible assets, fees charged, including projected customer costs, any conditions or restrictions imposed, and a summary of the Program's advantages and disadvantages. Essentially, the document should provide a reasonable basis upon which a customer can make an informed decision with respect to available NFBA Program options.

The member or member organization must also make a determination, prior to opening an account in an NFBA Program, that such Program is appropriate for each customer taking into account the services provided, anticipated costs, and customer objectives. Cost is an important factor, but not the only one. For this reason, factors other than cost may properly be considered in determining whether an NFBA Program is appropriate for a particular customer. Members and member organizations must consider the overall needs and objectives of the customer when determining the benefits and costs of an NFBA Program for that customer, including the anticipated level of trading activity in the account and non-price factors, such as the importance that a customer places on aligning his or her interests with those of the broker.

Proposed Rule 405A also requires a member or member organization to establish and maintain systems and procedures adequate to monitor, on an ongoing basis, transactional activity by customers in NFBA Programs. Such systems and procedures must include specific transactional parameters or criteria for identifying customer account activity that may be inconsistent with the Program costs incurred by the customers. The proposed rule does not

establish specific parameters or criteria since NYSE believes such determinations are best made by each member and member organization depending upon the specifics of the account Program(s) offered and customers' investment profiles.

Proposed Rule 405A also requires a member or member organization to maintain written procedures for contacting and following up, at minimum, every 12 months, with those customers whose level of activity in an NFBA Program over a specified period of time has been identified, pursuant to the member or member organization's transactional parameters or criteria, as possibly inconsistent with their incurred Program costs. The minimum 12-month standard reflects the fact that, due to any number of variables, an NFBA Program's appropriateness may not be determinable except over a relatively extended period of time. Such variables could include, among others, general economic or market conditions, variations in customer trading patterns, changes in customer investment objectives, or the types of services/benefits included in a given Program. However, as noted above, members and member organizations have an ongoing obligation to monitor NFBA Program activity and, accordingly, more frequent customer contact should be made if warranted by the circumstances. At minimum, all such contact must include notification that the level of account activity for a specified time-frame may be inconsistent with the Program costs incurred by the customer. The proposed rule does not prescribe specific procedures for identifying, contacting, and following-up with customers since the variety of NFBA Programs, customer investment profiles, and member organization supervisory structures, allows for numerous effective alternate methods. However, the proposed rule does require that the means (e.g., letter or phone call) and general content of each follow-up customer contact must be documented and retained in an easily accessible place.

Because proposed Rule 405A is intended to protect the interests of retail customers, it contains an exception for accounts opened on behalf of "Qualified Investors" as that term is defined in Section 3(a)(54) of the Securities Exchange Act of 1934.⁴ For example, excepted from the proposed rule's provisions are accounts of registered investment companies, banks, insurance companies, certain employee benefit plans subject to the Employee Retirement Income Security Act of 1974

("ERISA"), any corporation, company or partnership that owns and invests on a discretionary basis not less than \$25,000,000 in investments, or any natural person who owns and invests on a discretionary basis not less than \$25,000,000 in investments. This exception is based on the assumption that such accounts are generally directed by persons that are financially sophisticated and thus better able to make informed decisions regarding the appropriateness of available NFBA Programs. The proposed rule would also not apply to any member or member organization that does not offer NFBA Programs to its customers.

As noted above, proposed Rule 405A would not apply to arrangements in which a fixed fee and/or a percentage of account value is charged as payment for investment advisory services. Most such accounts are subject to the Investment Advisers Act of 1940⁵ and are thus subject to its regulatory scheme, as well as to existing NYSE and other self-regulatory organization sales practice rules.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the requirements of Section 6(b)(5)⁶ of the Exchange Act, which requires that the rules of the Exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade and, in general, to protect investors and the public interest in that it establishes requirements for appropriate disclosure, monitoring, and follow-up procedures for the protection of customers who utilize NFBA Programs.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes that the proposal does not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Exchange Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i)

as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an e-mail to rule-comments@sec.gov. Please include File Number SR-NYSE-2004-13.

Paper Comments

- Send paper comments in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549-0609.

All submissions should refer to File Number SR-NYSE-2004-13. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW, Washington, DC 20549. Copies of such filing also will be available for inspection and copying at the principal office of the NYSE. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions

⁴ 15 U.S.C. 78c(a)(54).

⁵ 15 U.S.C. 80b-1 *et seq.*

⁶ 15 U.S.C. 78f(b)(5).

should refer to File Number SR-NYSE-2004-13 and should be submitted on or before November 22, 2004.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.⁷

Jill M. Peterson,

Assistant Secretary.

[FR Doc. E4-2919 Filed 10-29-04; 8:45 am]

BILLING CODE 8010-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-50593; File No. SR-PCX-2004-63]

Self-Regulatory Organizations; Pacific Exchange, Inc.; Order Granting Approval of Proposed Rule Change Relating to a Proposed Listing Fee Schedule for Exchange-Traded Funds and Closed-End Funds

October 26, 2004.

On August 9, 2004, the Pacific Exchange, Inc. ("PCX" or "Exchange"), through its wholly-owned subsidiary, PCX Equities, Inc. ("PCXE"), filed with the Securities and Exchange Commission ("Commission") a proposed rule change pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")¹ and Rule 19b-4 thereunder,² to adopt new listing fees specifically for listing Exchange-Traded Funds and Closed-End Funds (collectively, "Funds") on the PCXE and trading on the Archipelago Exchange, a facility of the PCXE.

The proposed rule change was published for comment in the **Federal Register** on September 22, 2004.³ The Commission received no comments on the proposal. This order approves the proposed rule change.

After careful review, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange⁴ and, in particular, the requirements of Section 6 of the Act⁵ and the rules and regulations thereunder. Specifically, the Commission believes that the proposal is consistent with Section 6(b)(4) of the Act,⁶ which requires that the Exchange's

rules provide for the equitable allocation of reasonable dues, fees, and other charges among its members and other persons using its facilities. The Commission believes that by adopting listing fees specifically for Funds, the PCX's amended Schedule of Fees and Charges ("Schedule") should provide guidance and clarity to issuers and the public regarding the appropriate applicable fees for Funds. Additionally, the Commission notes that the proposed fee changes should decrease the listing fees that existing Fund issuers would otherwise pay under the current Schedule.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,⁷ that the proposed rule change (SR-PCX-2004-63) be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.⁸

Jill M. Peterson,

Assistant Secretary.

[FR Doc. E4-2960 Filed 10-29-04; 8:45 am]

BILLING CODE 8010-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-50591; File No. SR-Phlx-2004-62]

Self-Regulatory Organizations; Philadelphia Stock Exchange, Inc.; Notice of Filing of Proposed Rule Change To Waive the Options Specialist Shortfall Fee for One Specialist Unit That Did Not Have a Specialized Quote Feed in Place

October 26, 2004.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on September 23, 2004, the Philadelphia Stock Exchange, Inc. ("Phlx" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Phlx proposes to waive the options specialist shortfall fee

("shortfall fee") for the period May 2004 through August 2004 for one specialist unit that did not have a specialized quote feed ("SQF") in place that could price an option accurately for any option where the primary volume in the underlying security shifted to another market.³ There is no new proposed rule language.

Background: The Exchange currently imposes a shortfall fee of \$.35 per contract for specialists trading any top 120 Option if 12% of the total national monthly contract volume ("volume threshold") for such Top 120 Option is not effected on the Phlx.⁴ The fee is limited to \$10,000 per month per option provided that the total monthly market share effected on the Phlx in that Top 120 Option is equal to or greater than 50% of the volume threshold in effect.⁵ For any Top 120 Option listed after February 1, 2004 and for any Top 120 Option acquired by a new specialist unit⁶ within the first 60 days of operations, the following thresholds apply:⁷

First full month of trading: 0% national market share.

Second full month of trading: 3% national market share.

Third full month of trading: 6% national market share.

Fourth full month of trading: 9% national market share.

Fifth full month of trading (and thereafter): 12% national market share.

Proposal: The Exchange proposes to waive the shortfall fee for transactions settling on or after May 1, 2004 through August 31, 2004 for one specialist unit that did not have an SQF in place that

³ An SQF is a specialized connection that bypasses the Exchange's Auto-Quote, which is the Exchange's electronic options pricing system that enables specialists to automatically monitor and instantly update quotations. Auto-Quote and SQFs ("Quoting Mechanisms") incorporate pricing model data, which generate automatic pricing of option series based on a number of factors, including the value of the underlying stock.

⁴ See Securities Exchange Act Release No. 48206 (July 22, 2003), 68 FR 44555 (July 29, 2003)(SR-Phlx-2003-45).

⁵ See Securities Exchange Act Release No. 48207 (July 22, 2003), 68 FR 44558 (July 29, 2003)(SR-Phlx-2003-47).

⁶ A new specialist unit is one that is approved to operate as a specialist unit by the Options Allocation, Evaluation, and Securities Committee on or after February 1, 2004 and is a specialist unit that is not currently affiliated with an existing options specialist unit as reported on the member organization's Form BD, which refers to direct and indirect owners, or as reported in connection with any other financial arrangement such as is required by Exchange Rule 783.

⁷ The shortfall fee is not applicable to any option traded on Phlx XL, the Exchange's electronic trading platform, either on a variable or fixed fee basis. See Securities Exchange Act Release No. 50332 (September 9, 2004), 69 FR 55858 (September 16, 2004)(SR-Phlx-2004-49).

⁷ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ See Securities Exchange Act Release No. 50374 (September 14, 2004), 69 FR 56813.

⁴ In approving this proposed rule change, the Commission notes that it has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

⁵ 15 U.S.C. 78f.

⁶ 15 U.S.C. 78f(b)(4).

⁷ 15 U.S.C. 78s(b)(2).

⁸ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

could price an option accurately for any option where the primary volume in the underlying security shifted to another market. Generally, the most volume in an equity security occurs on the market where the security is listed, such that the listing market is known as the "primary market" and Quoting Mechanisms use that market's process to price the overlying option, as described further below.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Phlx included statements concerning the purpose of and basis for the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Phlx filed the proposed rule change to correct an economic outcome caused when one particular specialist unit was unable to price an option accurately because of a unique situation where: (i) The key liquidity, the most volume and often the best market are other than on the market where the security is primarily listed; and (ii) the specialist unit's Quoting Mechanism is technologically tied to the price of the underlying security on its listed market. Specifically, the specialist unit was unable to secure technology changes to price the option using the "new" primary market quickly (as both the Exchange, respecting Auto-Quote, and outside vendors, respecting SQFs, could not make such extensive changes quickly and faced competing priorities); thus, the specialist unit has linked its failure to achieve the shortfall targets to these technology/pricing issues. Accordingly, this proposed rule change is limited in scope, and is intended to correct what the Exchange has determined is a limited, unfair outcome of its shortfall fee for this specific specialist unit.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,⁸ and furthers the

objectives of Section 6(b)(4) of the Act⁹ in particular, in that it is an equitable allocation of reasonable dues, fees and other charges. The Exchange believes that the proposal is reasonable and equitable because it is intended to correct a situation where the operation of its shortfall fee was incompatible with the technology available to price options, which caused an unfair and unintended fee result.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposal will impose any inappropriate burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

- A. By order approve such proposed rule change, or
- B. Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an e-mail to rule-comments@sec.gov. Please include File No. SR-Phlx-2004-62 on the subject line.

Paper Comments

- Send paper comments in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549-0609.

All submissions should refer to File Number SR-Phlx-2004-62. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing also will be available for inspection and copying at the principal office of the Phlx. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File No. SR-Phlx-2004-62 and should be submitted on or before November 22, 2004.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.¹⁰

Jill M. Peterson,

Assistant Secretary.

[FR Doc. E4-2961 Filed 10-29-04; 8:45 am]

BILLING CODE 8010-01-P

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3626]

State of Louisiana; Amendment #2

In accordance with a notice received from the Department of Homeland Security—Federal Emergency Management Agency—effective October 22, 2004, the above numbered declaration is hereby amended to reestablish the incident period for this disaster as beginning September 13, 2004, and continuing through and including September 26, 2004.

All other information remains the same, *i.e.*, the deadline for filing applications for physical damage is November 15, 2004, and for economic injury the deadline is June 15, 2005.

⁸ 15 U.S.C. 78f(b).

⁹ 15 U.S.C. 78f(b)(4).

¹⁰ 17 CFR 200.30-3(a)(12).

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: October 25, 2004.

Herbert L. Mitchell,

Associate Administrator for Disaster Assistance.

[FR Doc. 04-24278 Filed 10-29-04; 8:45 am]

BILLING CODE 8025-01-P

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3631]

State of Ohio; Amendment #3

In accordance with a notice received from the Department of Homeland Security—Federal Emergency Management Agency—effective October 22, 2004, the above numbered declaration is hereby amended to include Lawrence County as a disaster area due to severe storms and flooding. In addition, applications for economic injury loans from small businesses located in the contiguous county of Scioto in the State of Ohio; Boyd and Greenup Counties in the Commonwealth of Kentucky; and Wayne County in the State of West Virginia may be filed until the specified date at the previously designated location. All other counties contiguous to the above named primary county have previously been declared.

The economic injury number assigned to Kentucky is 9A1600.

All other information remains the same, *i.e.*, the deadline for filing applications for physical damage is November 18, 2004, and for economic injury the deadline is June 20, 2005.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: October 25, 2004.

Herbert L. Mitchell,

Associate Administrator for Disaster Assistance.

[FR Doc. 04-24280 Filed 10-29-04; 8:45 am]

BILLING CODE 8025-01-P

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3634]

Commonwealth of Puerto Rico; Amendment #3

In accordance with a notice received from the Department of Homeland Security—Federal Emergency Management Agency—effective October 19, 2004, the above numbered declaration is hereby amended to include the Municipality of Gurabo as a disaster area due to damages caused by Tropical Storm Jeanne. All other municipalities contiguous to the above

named primary municipality have previously been declared.

In addition, Añasco, Ciales, Dorado, Fajardo, Florida, Guayanilla, Isabela, Juana Díaz, Juncos, Lares, Moca, Peñuelas, Ponce, Salinas, San Juan, San Lorenzo, San Sebastian, Vega Alta, Vega Baja, and Yauco Municipalities in the Commonwealth of Puerto Rico are also eligible under Public Assistance and our disaster loan program is available for private non-profit organizations that provide essential services of a governmental nature in those municipalities.

All other information remains the same, *i.e.*, the deadline for filing applications for physical damage is November 22, 2004, and for economic injury the deadline is June 21, 2005.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: October 25, 2004.

Herbert L. Mitchell,

Associate Administrator for Disaster Assistance.

[FR Doc. 04-24279 Filed 10-29-04; 8:45 am]

BILLING CODE 8025-01-P

SOCIAL SECURITY ADMINISTRATION

Agency Information Collection Activities: Proposed Request and Comment Request

The Social Security Administration (SSA) publishes a list of information collection packages that will require clearance by the Office of Management and Budget (OMB) in compliance with Pub. L. 104-13, the Paperwork Reduction Act of 1995, effective October 1, 1995. The information collection packages that may be included in this notice are for revisions to OMB-approved information collections and extensions (no change) of OMB-approved information collections.

SSA is soliciting comments on the accuracy of the agency's burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility, and clarity; and on ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology. Written comments and recommendations regarding the information collection(s) should be submitted to the OMB Desk Officer and the SSA Reports Clearance Officer. The information can be mailed and/or faxed to the individuals at the addresses and fax numbers listed below: (OMB), Office of Management and Budget, Fax: (202) 395-6974 (SSA), Social Security Administration, DCFAM, Attn: Reports Clearance

Officer, 1338 Annex Building, 6401 Security Blvd., Baltimore, MD 21235, Fax: (410) 965-6400

I. The information collections listed below are pending at SSA and will be submitted to OMB within 60 days from the date of this notice. Therefore, your comments should be submitted to SSA within 60 days from the date of this publication. You can obtain copies of the collection instruments by calling the SSA Reports Clearance Officer at 410-965-0454 or by writing to the address listed above.

1. *Reporting Events—SSI—20 CFR 416.701-.732-0960-0128.* SSA administers Federal Supplemental Security Income (SSI) benefits under Title XVI of the Social Security Act. SSI is a public assistance program that provides benefits to individuals who are disabled, blind, or aged and who have limited income and resources. To assure proper administration of SSI benefits, SSA periodically requests information from individuals to reevaluate their continuing SSI eligibility and payment amount using Form SSA-8150-EV. The form serves as a reminder to individuals as to what they need to report in order to retain their benefits. Form SSA-8150-EV provides individuals with a way to report changes in their circumstances in writing. SSA uses the reported changes to determine SSI eligibility and correct payment amounts.

Type of Request: Extension of an approved OMB information collection.

Number of Respondents: 30,180.

Frequency of Response: 1.

Average Burden Per Response: 5 minutes.

Estimated Annual Burden: 2,515 hours.

2. *Cessation or Continuance of Disability or Blindness Determination and Transmittal—20 CFR 404.1615, 20 CFR 404.1512, and 20 CFR 404.1588-1599-0960-0442.* Form SSA-833-C3/U3 is used by Disability Determination Services (DDS) to prepare continuance and cessation determinations of disability or blindness on Title II claims. The information is used in the course of the Federal SSA quality review of the determination. Form SSA-833-C3/U3 is also used to provide for SSA input on automated systems controls, *e.g.* establish and or cancel diary controls, to establish a permanent longitudinal history of the claim, and to supply a statistical base to provide aggregate program information to SSA administrators, Congress, and the President.

Type of Request: Extension of an approved OMB information collection.

Number of Respondents: 303,564.

Frequency of Response: 1.

Average Burden Per Response: 30 minutes.

Estimated Annual Burden: 151,782 hours.

3. Application to Collect a Fee for Payee Services—0960—NEW.

Information requested on Form SSA-445 will be provided by the fee for payee services applicant. SSA will be the only user of this information. By using Form SSA-445, SSA will be able to determine whether the applicant meets the requirements to become a fee for service organizational payee, and if the applicant has provided all the information and documentation required. Based on the information provided on Form SSA-445, SSA will issue a determination authorizing or denying permission to collect fees for payee services.

Type of Request: New information collection.

Number of Respondents: 100.

Frequency of Response: 1.

Average Burden Per Response: 3 minutes.

Estimated Annual Burden: 5 hours.

4. Agreement to Sell Property—20 CFR 416.1240–1245—0960–0127.

Individuals or couples who are otherwise eligible for SSI benefits, but who's resources exceed the allowable limit, may receive conditional payments if they agree to dispose of the excess non-liquid resources and make repayment. Form SSA-8060-U3 is used to document this agreement and to ensure that the individuals understand their obligations. Respondents are applicants and recipients of SSI benefits.

Type of Request: Extension of an OMB-approved information collection.

Number of Respondents: 20,000.

Frequency of Response: 1.

Average Burden Per Response: 10 Minutes.

Estimated Annual Burden: 3,333 Hours.

5. Epidemiological Research Request—20 CFR 401.165—0960—NEW.

Section 311 of the Social Security Independence and Program Improvements Act of 1994 directed SSA to provide support to health researchers involved in epidemiological research. Specifically, when the study is determined to contribute to a national health interest, SSA will furnish information regarding whether a study subject is shown on the SSA administrative records as being alive or deceased (vital status). SSA will recoup all expenses incurred in providing this information. SSA collects information from health researchers in order to provide the data required and to collect

fees. Respondents are applicants for vital status information.

Type of Request: Collection in use without OMB number.

Number of Respondents: 25.

Frequency of Response: 1.

Average Burden Per Response: 120 minutes.

Estimated Annual Burden: 50 hours.

6. Student Reporting Form—20 CFR 404.367, 404.368, 404.415, 404.434, 404.452(b)(2)—0960–0088. Form SSA-1383 is used by Social Security student beneficiaries to report events or changes that may affect continuing entitlement to these benefits. The respondents are Social Security student beneficiaries.

Type of Request: Revision of an OMB-approved information collection.

Number of Respondents: 75,000.

Frequency of Response: 1.

Average Burden Per Response: 6 minutes.

Estimated Annual Burden: 7,500 hours.

7. Electronic Benefit Verification Information—20 CFR 401.40—0960–0595. SSA provides verification of benefits, when requested, to individuals receiving Title II and/or Title XVI benefits. In order to provide to the public an easy and convenient means of requesting benefit information, SSA has developed an electronic request form that will allow persons to request the information through the Internet. The information collected on the electronic screens will be used by SSA to process the request for a benefit verification statement. To ensure appropriate confidentiality, the statement will be mailed to the recipient/beneficiary address shown in SSA's records. The respondents are Title II and XVI recipients/beneficiaries who request benefit verification information using the Internet.

Type of Request: Extension of an approved OMB information collection

Number of Respondents: 133,920.

Frequency of Response: 1.

Average Burden Per Response: ½ minute.

Estimated Annual Burden: 1,116 hours.

8. Listing of Impairments—Part 404, Subpart P, Appendix I—0960–0642.

Background

The Listing of Impairments (the listings), Part 404, Subpart P, Appendix I, describes for each of the major body systems, impairments which are severe enough to prevent an individual from doing any gainful activity. As part of the listings, we provide an introductory text, which identifies specific requirements that affect the body system, such as documentation

requirements and other factors that must be considered when evaluating impairments within that body system. These can include requirements for medical and other evidence. This clearance request covers sections in the following listings that contain information collection requirements: The regulations for the musculoskeletal body system contain reporting requirements at sections 1.00B, 1.00C, 1.00D, 1.00E, 1.00H, 1.00I, 1.00J, 1.00K, 1.00P, 14.09A, 101.00B, 101.00C, 101.00D, 101.00E, 101.00H, 101.00I, 101.00J, 101.00P, and 114.09A. The regulations for the cardiovascular body system contain reporting requirements at sections 4.00B, 4.00C, 4.00D, 4.00E, 4.00F, 4.00G, 4.02A, 104.00B, 104.00C, 104.00E, and 104.06. The regulations for the genitourinary body system contain reporting requirements at sections 6.00C, 6.00E, 6.00G, 106.00C, 106.00E, and 106.00G. The regulations for the skin body system contain reporting requirements at sections 8.00C, 8.00D, 108.00B, 108.00C, and 108.00D. The regulations for the multiple body system contain reporting requirements at sections 10.00B, 10.00C, 110.00B, and 110.00C. The regulations for Amyotrophic Lateral Sclerosis (ALS) contain reporting requirements at sections 11.00G and 11.10. The regulations for the malignant neoplastic diseases contain reporting requirements at 13.00B, 13.00D, 13.00E, 13.00G, 13.00K, 113.00B, 113.00D, 113.00E, 113.00G, and 113.00K.

The Information Collection

The medical evidence documentation described in the listings is used by State DDSs to assess the alleged disability. The information, together with other evidence, is used to determine if an individual claiming disability benefits has an impairment that meets severity and duration requirements. The respondents are disability applicants and other sources of evidence. SSA uses various forms to collect the information specified in the regulations. The public reporting burden is accounted for in the Information Collection Requests for these forms. Consequently, we are assigning a placeholder of 1-hour to the specific reporting requirements in these listings so that we do duplicate the burden assigned to the forms.

Type of Request: Extension of an approved OMB information collection.

9. Social Security Disability Report—20 CFR 404.1512 & 416.912—0960–0579. SSA requires applicants for disability payments to furnish medical, work history, and other evidence or information indicating they have an impairment which is disabling. This

information is collected by form SSA-3368, the Adult Disability Report, and is used by State DDSs to make disability determinations for SSA.

The respondents are applicants for Title II and Title XVI disability benefits. These applicants may complete the form using any of the following modalities: (1) The traditional paper form; (2) an

interview with an SSA field office representative, using the Electronic Disability Collection System (EDCS); (3) the Internet (i3368); and (4) a new modality, the i3368-PRO, an Internet form designed to be completed by representatives of applicants for disability payments. The latter three versions of the form collect the same

information as the paper form, but may be formatted differently and include certain enhancements (ex: self-help screens) to guide the claimant or interviewer through the application process.

Type of Request: Revision to an OMB-approved information collection.

Collection format	Number of respondents	Frequency of response	Average burden per response (hours)	Estimated annual burden (hours)
SSA-3368 (Paper version)	10,000	1	1	10,000
Field office/Electronic Disability Collection System (EDCS)	1,956,667	1	1	1,956,667
i3368 (Internet version; Hour burden varies from 1½–3 hours, depending on information required)	66,000	1	2½	165,000
i3368-PRO	84,000	1	1½	126,000
Totals	2,116,667			2,257,667

II. The information collections listed below have been submitted to OMB for clearance. Your comments on the information collections would be most useful if received by OMB and SSA within 30 days from the date of this publication. You can obtain a copy of the OMB clearance packages by calling the SSA Reports Clearance Officer at 410-965-0454, or by writing to the address listed above.

1. *The Census Bureau Survey of Income and Program Participation (SIPP) on Behalf of the Social Security Administration (SSA)—0960-NEW.* SSA has requested the Census Bureau to include in its SIPP interviews scheduled for January 2005 a sample of social security disabled insurance beneficiaries and SSI recipients. SSA will use these data to conduct statistical research of recipients of SSA-administered programs. The SIPP for SSA Beneficiaries is a household-based survey molded around a central “core” of labor force and income questions. The core is supplemented with questions designed to address specific needs, such as obtaining information about assets and liabilities, as well as expenses related to work, health care, child support and real estate/dependent care. These supplemental questions are included with the core and are referred to as “topical modules.”

The topical modules for the SIPP for SSA Beneficiaries collect information about:

- Medical Expenses and Utilization of Health Care (Adults and Children).
- Work-Related Expenses, Child Support Paid and Child Care Poverty.
- Assets, Liabilities, and Eligibility.
- Dependent Care.

The survey will include approximately 2,000 households. We

estimate that each household will average 2.1 people, yielding 4,200 interviews. On average interviews take 45 minutes. The survey interviews will be conducted from January 1, 2005 through January 31, 2005.

Type of Request: New Information Collection.

Number of Respondents: 4,200.

Frequency of Response: 1.

Average Burden per Response: 45 minutes.

Estimated Annual Burden: 3,150 hours.

2. *Employee Identification Statement—20 CFR 404.702—0960-0473.* The information collected on Form SSA-4156 is needed in scrambled earnings situations when two or more individuals have used the same social security number (SSN), or when an employer (or employers) have reported earnings for two or more employees under the same SSN. The information on the form is used to help identify the individual (and the SSN) to whom the earnings belong. The respondents are employers who have reported erroneous wages.

Type of Request: Extension of an OMB-approved information collection.

Number of Respondents: 4,750.

Frequency of Response: 1.

Average Burden Per Response: 10 minutes.

Estimated Average Burden: 792 hours.

III. *Agency Information Collection Activities: Emergency Consideration Request* SSA is requesting emergency consideration from OMB two weeks from the date of publication of the information collection listed below. Therefore, please submit your comments prior to this date.

1. *Public Understanding Measurement System (PUMS) 0960-NEW.* As required

by Section 2(b) of the Government Performance and Results Act (GPRA), which provides that Agencies establish the means for measuring their progress in achieving agency-level goals, SSA established the PUMS in 1998 as a tool for measuring its performance in meeting its strategic objectives in the area of public knowledge about and understanding of the Social Security program. The instrument used in PUMS is a national phone survey of adult Americans (age 18 and over) conducted annually for SSA by a professional polling organization.

SSA has recently revised its strategic performance objective to “measure the percent of adult Americans who are knowledgeable about the current Social Security program and related issues, including long-range financing.” For 2004, SSA has adjusted its PUMS process to collect data on this revised measure. Once this data is collected, then SSA will set a strategic performance goal with yearly performance targets as required by the GPRA.

The survey instrument is designed to collect knowledge data at the national level via 1,400 national surveys. Additionally, the survey is designed to assure a valid knowledge measure for key populations toward which SSA has targeted education and outreach programs. This information is a crucial step in making SSA more focused and effective in its communication programs. The respondents will be randomly selected adults residing in the United States.

Type of Request: Emergency.

Number of Respondents: 1,400.

Frequency of Response: 1.

Average Burden Per Response: 15 minutes.

Estimated Annual Burden: 350 hours.

Dated: October 25, 2004.

Elizabeth A. Davidson,

Reports Clearance Officer, Social Security Administration.

[FR Doc. 04-24312 Filed 10-29-04; 8:45 am]

BILLING CODE 4191-02-P

SOCIAL SECURITY ADMINISTRATION

Privacy Act of 1974, as Amended; Proposed Amended Routine Use Disclosure

AGENCY: Social Security Administration (SSA).

ACTION: Amended routine use.

SUMMARY: In accordance with the Privacy Act (5 U.S.C. 552a(e)(11)), we are issuing public notice of our intent to amend a routine use applicable to SSA's system of records entitled, Master Files of Social Security Number (SSN) Holders and SSN Applications, 60-0058. On August 6, 2004, we published a notice of routine use in the **Federal Register** that allows SSA to verify the last 4 digits of the SSN for State voter registration purposes under section 205(r)(8) of the Social Security Act (42 U.S.C. 405(r)(8)). We are now proposing to amend that routine use to allow SSA to verify the full SSNs for certain States that are permitted to use the full SSN for State voter registration purposes under section 303(a)(5)(D) of the Help America Vote Act of 2002 (42 U.S.C. 15483(a)(5)(D)). The proposed amended routine use disclosure is discussed in the Supplementary Information section below. We invite public comment on this proposal.

DATES: We filed a report of the amended routine use disclosure with the Chairman of the Senate Committee on Governmental Affairs, the Chairman of the House Government Reform Committee, and the Director, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB) on October 26, 2004. The proposed routine use will become effective on December 6, 2004, unless we receive comments warranting it not to become effective.

ADDRESSES: Interested individuals may comment on this publication by writing to the Executive Director, Office of Public Disclosure, Office of the General Counsel, Social Security Administration, Room 3-A-6 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235-6401. All comments received will be available for public inspection at the above address.

FOR FURTHER INFORMATION CONTACT: Ms. Carlotta B. Davis, Social Insurance Specialist, Disclosure Policy Team, Office of Public Disclosure, Office of the General Counsel, Social Security Administration, in Room 3-C-2 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235-6401, e-mail address at Carlotta.Davis@ssa.gov or by telephone at (410) 965-8028.

SUPPLEMENTARY INFORMATION:

I. Background and Purpose of the Amended Routine Use Disclosure

A. General Background

On August 6, 2004, we published a notice in the **Federal Register** (FR) announcing the establishment of a new routine use that would allow SSA to verify the last four digits of the SSN for State voter registration for elections for Federal office, in accordance with the provisions in section 205(r)(8) of the Social Security Act (42 U.S.C. 405(r)(8)), as added by section 303 of the Help America Vote Act of 2002 (HAVA). The routine use became effective on September 5, 2004, and is applicable to the Privacy Act system of records entitled Master Files of Social Security Number (SSN) Holders and SSN Applications, 60-0058. The routine use is numbered 41 in the notice of the system of records. (See 69 FR 47976, 8/6/04.) We established the routine use to implement the provisions of section 205(r)(8) of the Social Security Act. These provisions require the Commissioner of Social Security to enter into agreements with State officials for the purpose of verifying the following information about voter registrant applicants for whom the last four digits of a SSN are provided instead of a driver's license number:

- Name (including the first name and any family forename or surname),
- Date of birth (DOB) (including the month, day and year), and
- The last four digits of the Social Security number (SSN)).

B. Proposed Amended Routine Use Disclosure of Data Maintained in the Master Files of Social Security Number (SSN) Holders and SSN Applications, 60-0058

Section 303(a)(5)(D) of HAVA (42 U.S.C. 15483(a)(5)(D)) also allows those States that have historically collected SSNs for voter registration purposes, in accordance with section 7 of the Privacy Act (5 U.S.C. 552a note), to verify the full SSN instead of the last four digits of the SSN for State voter registration for elections for Federal office. Accordingly, those States that collected

the SSN in accordance with the provisions of section 7 of the Privacy Act may request SSA to verify the full SSN of their voter registrant applicants as allowed by section 303(a)(5)(D) of HAVA. We therefore are amending the routine use we published in the FR on August 6, 2004, to allow these verifications. The amended routine use, numbered 41, provides for the following disclosure:

To the State and Territory Motor Vehicle Administration officials (or agents or contractors on their behalf) and State and Territory chief election officials under the provisions of section 205(r)(8) of the Social Security Act (42 U.S.C. 405(r)(8)) to verify the accuracy of information provided by the State agency with respect to applications for voter registration for those individuals who do not have a driver's license number:

- For whom the last four digits of the Social Security number are provided, or
- For whom the full Social Security number is provided in accordance with section 7 of the Privacy Act (5 U.S.C. 552a note), as described in section 303(a)(5)(D) of the Help America Vote Act of 2002 (42 U.S.C. 15483(a)(5)(D)).

We are not republishing the notice of this system of records in its entirety at this time. This system of records was last published in its entirety in the FR at 63 FR 14165, 3/24/98.

As noted in the FR publication of the routine use on August 6, 2004, the verification process will involve the American Association of Motor Vehicle Administrators (AAMVA), State motor vehicle agencies (MVA), and SSA. Under this process, State MVAs will input voter registrants' names, dates of birth, and either the last four digits of the SSNs or, where permissible, the full SSN into AAMVA's AAMVAnet system, which in turn will forward the information to SSA for matching with SSA records. After matching the input data with data in SSA records, SSA will return one response code indicating results of the verification, including whether death information is recorded in SSA records, as appropriate.

II. Compatibility of Proposed Routine Use

The Privacy Act (5 U.S.C. 552a(a)(7) and (b)(3)) and SSA's disclosure regulation (20 CFR Part 401) permit us to disclose information under a published routine use for a purpose that is compatible with the purpose for which we collected the information. Section 401.150(c) of the regulations permits us to disclose information under a routine use, where necessary, to carry out SSA programs or assist other

agencies in administering similar programs. Section 401.120 of the regulations provides that we will disclose information if required by law. Section 205(r)(8) of the Social Security Act requires the Commissioner of Social Security to verify applicable information to be used by States and territories in their voter registration processes for elections held for Federal office. Thus, the proposed routine use is appropriate and meets the relevant statutory and regulatory criteria.

III. Effect of the Amended Routine Use Disclosure on the Rights of Individuals

The routine use amendment will allow SSA to verify the full SSN for those States allowed to use the full SSN for voter registration for elections for Federal office, in accordance with the provisions of section 303(a)(5)(D) of the HAVA. Section 205(r)(8) of the Social Security Act provides that information furnished by the Commissioner of Social Security, under agreements with the States and territories, is confidential and use of the information is limited to the purpose of verifying voter registrants' information as provided in the agreements. This statute also provides that any officer or employee or former officer or employee of a State, or any officer or employee or former officer or employee of a contractor of a State who, without written authority of the Commissioner, publishes or communicates any information in the individual's possession by reason of such employment or position as such an officer, shall be guilty of a felony and, upon conviction, shall be fined or imprisoned, or both, as described in section 208 of the Social Security Act. Additionally, we will adhere to all applicable provisions of the Privacy Act when disclosing information. Thus, we do not anticipate that the proposed new routine use will have any unwarranted adverse effect on the rights of individuals about whom data will be disclosed.

Dated: October 21, 2004.

Jo Anne B. Barnhart,
Commissioner.

[FR Doc. 04-24314 Filed 10-29-04; 8:45 am]

BILLING CODE 4191-02-P

DEPARTMENT OF STATE

[Public Notice 4821]

Overseas Security Advisory Council (OSAC) Renewal

The Department of State has renewed the Charter of the Overseas Security Advisory Council. This advisory council

will continue to interact on overseas security matters of mutual interest between the U.S. Government and the American private sector. The Council's initiatives and security publications provide a unique contribution to protecting American private sector interests abroad. The Under Secretary for Management has determined that the Council is necessary and in the public interest.

The Council consists of representatives from four (4) U.S. Government agencies and thirty (30) American private sector companies and organizations. The Council will follow the procedures prescribed by the Federal Advisory Committee Act (FACA) (Pub. L. 92-463). Meetings will be open to the public unless a determination is made in accordance with section 10(d) of the FACA, 5 U.S.C. 552b(c)(1) and (4), that a meeting or a portion of the meeting should be closed to the public. Notice of each meeting will be provided in the **Federal Register** at least 15 days prior to the meeting.

For more information contact Marsha Thurman, Overseas Security Advisory Council, Bureau of Diplomatic Security, U.S. Department of State, Washington, DC 20522-2008, phone: 571-345-2214.

Dated: October 7, 2004.

Joe D. Morton,

*Director of the Diplomatic, Security Service,
Department of State.*

[FR Doc. 04-24328 Filed 10-29-04; 8:45 am]

BILLING CODE 4710-43-P

DEPARTMENT OF STATE

[Public Notice 4818]

U.S. National Commission for UNESCO Notice of Commission Establishment

The Department of State Announces the Establishment of the U.S. National Commission for the United Nations Educational, Scientific, and Cultural Organization (UNESCO).

The U.S. National Commission for UNESCO, which will operate pursuant to the requirements of the Federal Advisory Committee Act (FACA), will provide recommendations to the Secretary of State and to the U.S. Mission to UNESCO in Paris. The primary focus of the recommendations will relate to the formulation and implementation of U.S. policy towards UNESCO on matters of education, science, communications, and culture. In its efforts to uphold and promote human rights, tolerance, and learning worldwide, the U.S. National Commission for UNESCO is necessary and in the public interest.

To contact the commission, please call (202) 647-6081 or e-mail DCUNESCO@state.gov.

Dated: October 6, 2004.

Marguerite H. Sullivan,

Executive Director, International Organizations/U.S. National Commission for UNESCO, Department of State.

[FR Doc. 04-24329 Filed 10-29-04; 8:45 am]

BILLING CODE 4710-19-P

DEPARTMENT OF STATE

[Public Notice 4868]

Advisory Committee on International Economic Policy; Notice of Open Meeting

The Advisory Committee on International Economic Policy (ACIEP) will meet from 9 a.m. to 12 p.m. on Monday, November 15, 2004, in Room 1207, U.S. Department of State, 2201 C Street NW., Washington, DC. The meeting will be hosted by Assistant Secretary of State for Economic and Business Affairs E. Anthony Wayne and Committee Chairman R. Michael Gadbaw. Topics for the meeting are (1) a preview of the November 17-21 Asia-Pacific Economic Cooperation Ministerial, CEO Summit and Senior Officials Meeting, and (2) a discussion of issues surrounding the lifting of sanctions regarding Libya. The ACIEP serves the U.S. Government in a solely advisory capacity concerning issues and problems in international economic policy.

This meeting is open to the public as seating capacity allows. Entry to the building is controlled and will be facilitated by advance arrangements. Members of the public planning to attend should provide, by November 9, their name, professional affiliation, social security number (or other identification, such as driver's license), date of birth, and citizenship to Gwendolyn Jackson by fax (202) 647-5936, e-mail (jacksongl@state.gov), or telephone (202) 647-0847.

For additional information, contact Thomas Cunningham, Economic Officer, Office of Economic Policy and Public Diplomacy, Bureau of Economic and Business Affairs, at (202) 647-2534 or cunninghamtr@state.gov.

Dated: October 25, 2004.

Daniel Clune,

Office Director, Office of Economic Policy Analysis and Public Diplomacy, Department of State.

[FR Doc. 04-24327 Filed 10-29-04; 8:45 am]

BILLING CODE 4710-07-P

DEPARTMENT OF THE TREASURY**Internal Revenue Service****Request for Applications for the IRS Advisory Committee on Tax Exempt and Government Entities****AGENCY:** Internal Revenue Service (IRS).**ACTION:** Notice.

SUMMARY: The Internal Revenue Service (IRS) is requesting applications for membership to serve on the Advisory Committee on Tax Exempt and Government Entities (ACT). Applications will be accepted for the following vacancies which will occur in May 2005: Two (2) employee plans; two (2) exempt organizations; one (1) Federal, State, and local governments; and one (1) tax exempt bonds. (There are currently no vacancies for Indian tribal governments.) To ensure appropriate balance of membership, final selection from qualified candidates will be determined based on experience, qualifications, and other expertise.

DATES: Written applications or nominations must be received on or before December 1, 2004.

Application: Applicants may use the ACT Application Form on the IRS Web site (www.irs.gov/ep; www.irs.gov/eo; www.irs.gov/bonds; or www.irs.gov/govts) or may send an application by letter with the following information: Name; Other Name(s) Used and Date(s) (required for FBI check); Date of Birth (required for FBI check); City and State of Birth (required for FBI check); Current Address; Telephone and Fax Numbers; and E-mail address, if any. Applications should also describe and document the proposed member's qualifications for membership on the ACT. Applicants should also specify the vacancy for which they wish to be considered.

ADDRESSES: Send all applications and nominations to: Steven Pyrek; Director, TE/GE Communications and Liaison; 1111 Constitution Ave., NW.—SE:T:CL Penn Bldg; Washington, DC 20224; Fax: (202) 283-9956 (not a toll-free number); E-mail: steve.j.pyrek@irs.gov.

FOR FURTHER INFORMATION, CONTACT: Rick Trevino, (202) 283-9963 (not a toll-free number), or by e-mail at rick.trevino@irs.gov.

SUPPLEMENTARY INFORMATION: The Advisory Committee on Tax Exempt and Government Entities (ACT),

governed by the Federal Advisory Committee Act, Public Law 92-463, is an organized public forum for discussion of relevant employee plans, exempt organizations, tax-exempt bonds, and Federal, State, local, and Indian tribal government issues between officials of the IRS and representatives of the above communities. The ACT also enables the IRS to receive regular input with respect to the development and implementation of IRS policy concerning these communities. ACT members present the interested public's observations about current or proposed IRS policies, programs, and procedures, as well as suggest improvements. ACT members shall be appointed by the Secretary of the Treasury and shall serve for two-year terms. Terms can be extended in one-year increments, not to exceed two years. ACT members will not be paid for their time or services. ACT members will be reimbursed for their travel-related expenses to attend working sessions and public meetings, in accordance with 5 U.S.C. 5703.

The Secretary of the Treasury invites those individuals, organizations, and groups affiliated with employee plans, exempt organizations, tax-exempt bonds, and Federal, State, local or Indian tribal governments, to nominate individuals for membership on the ACT. Nominations should describe and document the proposed member's qualifications for membership on the ACT. Nominations should also specify the vacancy for which they wish to be considered. The Secretary seeks a diverse group of members representing a broad spectrum of persons experienced in employee plans, exempt organizations, tax-exempt bonds, and Federal, State, local or Indian tribal governments.

Nominees must go through a clearance process before selection by the Secretary of the Treasury. In accordance with Department of the Treasury Directive 21-03, the clearance process includes, among other things, pre-appointment and annual tax checks, and a Federal Bureau of Investigation criminal and subversive name check and security clearance.

Dated: October 25, 2004.

Steven J. Pyrek,

Designated Federal Official, Tax Exempt and Government Entities Division, Internal Revenue Service.

[FR Doc. 04-24340 Filed 10-29-04; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY**Internal Revenue Service****Art Advisory Panel—Notice of Closed Meeting**

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of closed meeting of Art Advisory Panel.

SUMMARY: Closed meeting of the Art Advisory Panel will be held in Washington, DC.

DATES: The meeting will be held December 2, 2004.

ADDRESSES: The closed meeting of the Art Advisory Panel will be held on December 2, 2004, in Room 4200E beginning at 9:30 a.m., Franklin Court Building, 1099 14th Street, NW., Washington, DC 20005.

FOR FURTHER INFORMATION CONTACT:

Karen Carolan, C:AP:AS, 1099 14th Street, NW., Washington, DC 20005. Telephone (202) 435-5609 (not a toll free number).

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App., that a closed meeting of the Art Advisory Panel will be held on December 2, 2004, in Room 4200E beginning at 9:30 a.m., Franklin Court Building, 1099 14th Street, NW., Washington, DC 20005.

The agenda will consist of the review and evaluation of the acceptability of fair market value appraisals of works of art involved in Federal income, estate, or gift tax returns. This will involve the discussion of material in individual tax returns made confidential by the provisions of 26 U.S.C. 6103.

A determination as required by section 10(d) of the Federal Advisory Committee Act has been made that this meeting is concerned with matters listed in section 552b(c)(3), (4), (6), and (7), and that the meeting will not be open to the public.

David B. Robison,

Chief, Appeals.

[FR Doc. 04-24339 Filed 10-29-04; 8:45 am]

BILLING CODE 4830-01-P



Federal Register

**Monday,
November 1, 2004**

Part II

Department of Transportation General Services Administration National Aeronautics and Space Administration

48 CFR Parts 2, 5, and 7

**Federal Acquisition Regulation; Federal
Technical Data Solution; Proposed Rule**

DEPARTMENT OF DEFENSE**GENERAL SERVICES
ADMINISTRATION****NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION****48 CFR Parts 2, 5, and 7**

[FAR Case 2004–007]

RIN 9000–AK08

**Federal Acquisition Regulation;
Federal Technical Data Solution**

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Proposed rule.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) are proposing to amend the Federal Acquisition Regulation (FAR) to provide for the access and distribution of solicitation requirements or other documents (e.g., technical specifications, maps, building designs, schedules, etc.), when controls are necessary according to agency procedures, through the Federal Technical Data Solution (FedTeDS) website in lieu of the Governmentwide Point of Entry (GPE).

DATES: Interested parties should submit comments in writing on or before January 3, 2005 to be considered in the formulation of a final rule.

ADDRESSES: Submit comments identified by FAR case 2004–007 by any of the following methods:

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.
- Agency Web Site: <http://www.acqnet.gov/far/ProposedRules/proposed.htm>. Click on the FAR case number to submit comments.
- E-mail: farcase.2004-007@gsa.gov. Include FAR case 2004–007 in the subject line of the message.
- Fax: 202–501–4067.
- Mail: General Services Administration, Regulatory Secretariat (V), 1800 F Street, NW, Room 4035, AFTN: Laurie Duarte, Washington, DC 20405.

Instructions: Please submit comments only and cite FAR case 2004–007 in all correspondence related to this case. All comments received will be posted without change to <http://www.acqnet.gov/far/ProposedRules/proposed.htm>, including any personal information provided.

FOR FURTHER INFORMATION CONTACT: The FAR Secretariat at (202) 501–4755 for information pertaining to status or publication schedules. For clarification of content, contact Mr. Gerald Zaffos, Procurement Analyst, at (202) 208–6091. Please cite FAR case 2004–007.

SUPPLEMENTARY INFORMATION:**A. Background**

Under current FAR regulations, contracting officers are required to use the Governmentwide Point of Entry (GPE) to publish information about proposed contract actions where the contract is estimated to be \$25,000 or more. FAR 5.102 encourages contracting officers to use the GPE to disseminate additional information related to solicitations, where practicable and cost-effective. However, as a freely accessible web site, the GPE is inappropriate for disseminating information that requires additional controls to monitor access and distribution (e.g., technical specifications, maps, building designs, schedules, etc.). One of the e-Government Integrated Acquisition Environment's (IAE) initiatives is to maximize efficiency, effectiveness, and security in the acquisition process through the use of internet-based technology. As part of the IAE, a secure solution (FedTeDS) has been developed for this purpose.

Agencies will still be required to synopsize and post their contracting opportunities at the Government Point of Entry, FedBizOpps. However, the agency should post information that requires additional controls to monitor access and distribution (e.g., technical specifications, maps, building designs, schedules, etc.), as determined by the agency, by providing a link from FedBizOpps to FedTeDS.

By clicking on the link, a vendor will be taken to FedTeDS. Once in FedTeDS, a vendor can either download a copy of the information or request it on a compact disc (CD) (if the contracting agency is making the information available in that medium). In order to download the information or request a CD, the vendor must be registered in both the Central Contractor Registration (CCR) and FedTeDS. To register in FedTeDS, a vendor must have the Marketing Partner Identification Number (MPIN) it created when registering in CCR. The MPIN, together with the vendor's CAGE number or DUNS number, is used to register and obtain a password in FedTeDS. Because the vendor defines it, the MPIN in combination with the CAGE or DUNS number provides a unique identifier for authenticating the individual obtaining

the information. A vendor user guide is available at <https://www.fedteds.gov/>.

Vendors that have already downloaded solicitations from FedBizOpps will receive an e-mail notification when new information becomes available in FedTeDS. They will then have to go to FedBizOpps to click on the appropriate link to FedTeDS. Vendors will only have access to documents related to information in FedTeDS through a link from FedBizOpps; there is no search capability within FedTeDS.

A feature of FedTeDS that is available to vendors is "See My Colleagues." This allows the vendor to see who has been using the same CAGE code or DUNS number, thereby helping to ensure that only authorized people have access.

For acquisitions that are exempt from posting in FedBizOpps, an agency can send specific vendors an email with a direct link to the information in FedTeDS. This allows an agency to avoid sending large attachments through an unsecured email system.

This is not a significant regulatory action and, therefore, was not subject to review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

B. Regulatory Flexibility Act

The Councils do not expect this proposed rule to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the rule does not impose any costs on either small or large businesses. An Initial Regulatory Flexibility Analysis has, therefore, not been performed. We invite comments from small businesses and other interested parties. The Councils will consider comments from small entities concerning the affected FAR Parts 2, 5, and 7 in accordance with 5 U.S.C. 610. Interested parties must submit such comments separately and should cite 5 U.S.C. 601, *et seq.* (FAR case 2004–007), in correspondence.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the proposed changes to the FAR do not impose information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Parts 2, 5, and 7

Government procurement.

Dated: October 22, 2004.

Laura Auletta,

Director, Contract Policy Division.

Therefore, DoD, GSA, and NASA propose amending 48 CFR parts 2, 5, and 7 as set forth below:

1. The authority citation for 48 CFR parts 2, 5, and 7 is revised to read as follows:

Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

PART 2—DEFINITIONS OF WORDS AND TERMS

2. Amend section 2.101 in paragraph (b) by adding, in alphabetical order, the definition “Federal Technical Data Solution (FedTeDS)” to read as follows:

2.101 Definitions.

* * * * *

(b) * * *

Federal Technical Data Solution (FedTeDS) is a web application integrated with the Governmentwide Point of Entry (GPE) and the Central Contractor Registration (CCR) system for distribution of information related to contract opportunities. It is designed to enhance controls on the access and distribution of solicitation requirements or other documents when controls are necessary according to agency procedures. FedTeDS may be found on the Internet at <https://www.fedteds.gov>.

* * * * *

PART 5—PUBLICIZING CONTRACT ACTIONS

3. Amend section 5.102 by revising paragraphs (a)(1) and (a)(2); by adding a new paragraph (a)(5); and by revising

the introductory text of paragraph (b) to read as follows:

5.102 Availability of solicitations.

(a)(1) Except as provided in paragraph (a)(4) of this section, the contracting officer must make available through the GPE solicitations synopsisized through the GPE. The contracting officer must also make specifications, technical data, and other pertinent solicitation information available through the GPE, except as provided in paragraph (a)(5) of this section. Transmissions to the GPE must be in accordance with the interface description available via the Internet at <http://www.fedbizopps.gov>.

(2) The contracting officer is encouraged, when practicable and cost-effective, to make accessible through the GPE additional information related to a solicitation, except as provided in paragraph (a)(5) of this section.

* * * * *

(5) When a solicitation contains information that requires additional controls to monitor access and distribution (e.g., technical specifications, maps, building designs, schedules, etc.), as determined by the agency, the information should be made available through the Federal Technical Data Solution (FedTeDS). When FedTeDS is used it must be used in conjunction with the GPE to meet the synopsis and advertising requirements of this part. Exceptions to posting on FedTeDS include—

- (i) Information that is classified; or
- (ii) Information that will be provided through alternative electronic means; or
- (iii) Information that, because of its nature (e.g., size, format) it is not cost-

effective or practicable for contracting officers to make available through FedTeDS.

(b) When the contracting officer does not make a solicitation available through the GPE pursuant to paragraph (a)(4) of this section or when the contracting officer does not make information that requires additional controls to monitor access and distribution available through FedTeDS, pursuant to paragraph (a)(5) of this section, the contracting officer—

* * * * *

5.207 [Amended]

4. Amend section 5.207 in paragraph (c)(19) by removing “if any” and adding “such as FedTeDS (<https://www.fedteds.gov>)” in its place.

PART 7—ACQUISITION PLANS

5. Amend section 7.105 by adding a sentence to the end of paragraph (b)(15) to read as follows:

7.105 Contents of written acquisition plans.

* * * * *

(b) * * *

(15) * * * Indicate which information that requires additional controls to monitor access and distribution (e.g., technical specifications, maps, building designs, schedules, etc.), as determined by the agency, is to be posted via the Federal Technical Data Solution (FedTeDS) (see 5.102(a)(5)).

* * * * *

[FR Doc. 04-24231 Filed 10-29-04; 8:45 am]

BILLING CODE 6820-EP-S

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Corporate reorganizations; guidance on the measurement of continuity of interest; comments due by 11-8-04; published 8-10-04 [FR 04-18271]

Intercompany transactions; consolidated returns; comments due by 11-12-04; published 8-13-04 [FR 04-18557]

Partnership liabilities; treatment of disregarded entities; comments due by 11-10-04; published 8-12-04 [FR 04-18372]

Personal property exchanges; comments due by 11-12-04;

published 8-13-04 [FR 04-18480]

Real estate mortgage investment conduits; comments due by 11-8-04; published 8-10-04 [FR 04-18269]

Reorganization; transaction qualification requirements; comments due by 11-10-04; published 8-12-04 [FR 04-18476]

Procedure and administration:

Business entities classification; definitions clarification; cross reference; comments due by 11-10-04; published 8-12-04 [FR 04-18481]

VETERANS AFFAIRS DEPARTMENT

Adjudication; pensions, compensation, dependency, etc.:

Presumptions of service connection for diseases associated with detention or prisoner of war internment; comments due by 11-8-04; published 10-7-04 [FR 04-22543]

LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "PLUS" (Public Laws Update Service) on 202-741-6043. This list is also available online at http://www.archives.gov/federal_register/public_laws/public_laws.html.

The text of laws is not published in the **Federal Register** but may be ordered in "slip law" (individual pamphlet) form from the Superintendent of Documents,

U.S. Government Printing Office, Washington, DC 20402 (phone, 202-512-1808). The text will also be made available on the Internet from GPO Access at <http://www.gpoaccess.gov/plaws/index.html>. Some laws may not yet be available.

H.R. 1533/P.L. 108-359

To amend the securities laws to permit church pension plans to be invested in collective trusts. (Oct. 25, 2004; 118 Stat. 1666)

H.R. 2608/P.L. 108-360

To reauthorize the National Earthquake Hazards Reduction Program, and for other purposes. (Oct. 25, 2004; 118 Stat. 1668)

H.R. 2828/P.L. 108-361

Water Supply, Reliability, and Environmental Improvement Act (Oct. 25, 2004; 118 Stat. 1681)

H.R. 3858/P.L. 108-362

Pancreatic Islet Cell Transplantation Act of 2004 (Oct. 25, 2004; 118 Stat. 1703)

H.R. 4175/P.L. 108-363

Veterans' Compensation Cost-of-Living Adjustment Act of 2004 (Oct. 25, 2004; 118 Stat. 1705)

H.R. 4278/P.L. 108-364

Assistive Technology Act of 2004 (Oct. 25, 2004; 118 Stat. 1707)

H.R. 4555/P.L. 108-365

Mammography Quality Standards Reauthorization Act of 2004 (Oct. 25, 2004; 118 Stat. 1738)

H.R. 5185/P.L. 108-366

Higher Education Extension Act of 2004 (Oct. 25, 2004; 118 Stat. 1741)

S. 524/P.L. 108-367

Fort Donelson National Battlefield Expansion Act of

2004 (Oct. 25, 2004; 118 Stat. 1743)

S. 1368/P.L. 108-368

To authorize the President to award a gold medal on behalf of the Congress to Reverend Doctor Martin Luther King, Jr. (posthumously) and his widow Coretta Scott King in recognition of their contributions to the Nation on behalf of the civil rights movement. (Oct. 25, 2004; 118 Stat. 1746)

S. 2864/P.L. 108-369

Family Farmer Bankruptcy Relief Act of 2004 (Oct. 25, 2004; 118 Stat. 1749)

S. 2883/P.L. 108-370

Prevention of Child Abduction Partnership Act (Oct. 25, 2004; 118 Stat. 1750)

S. 2896/P.L. 108-371

To modify and extend certain privatization requirements of the Communications Satellite Act of 1962. (Oct. 25, 2004; 118 Stat. 1752)

Last List October 28, 2004

Public Laws Electronic Notification Service (PENS)

PENS is a free electronic mail notification service of newly enacted public laws. To subscribe, go to <http://listserv.gsa.gov/archives/publaws-l.html>

Note: This service is strictly for E-mail notification of new laws. The text of laws is not available through this service. PENS cannot respond to specific inquiries sent to this address.

CFR CHECKLIST

This checklist, prepared by the Office of the Federal Register, is published weekly. It is arranged in the order of CFR titles, stock numbers, prices, and revision dates.

An asterisk (*) precedes each entry that has been issued since last week and which is now available for sale at the Government Printing Office.

A checklist of current CFR volumes comprising a complete CFR set, also appears in the latest issue of the LSA (List of CFR Sections Affected), which is revised monthly.

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Title	Stock Number	Price	Revision Date
1, 2 (2 Reserved)	(869-052-00001-9)	9.00	4Jan. 1, 2004
3 (2003 Compilation and Parts 100 and 101)	(869-052-00002-7)	35.00	¹ Jan. 1, 2004
4	(869-052-00003-5)	10.00	Jan. 1, 2004
5 Parts:			
1-699	(869-052-00004-3)	60.00	Jan. 1, 2004
700-1199	(869-052-00005-1)	50.00	Jan. 1, 2004
1200-End	(869-052-00006-0)	61.00	Jan. 1, 2004
6	(869-052-00007-8)	10.50	Jan. 1, 2004
7 Parts:			
1-26	(869-052-00008-6)	44.00	Jan. 1, 2004
27-52	(869-052-00009-4)	49.00	Jan. 1, 2004
53-209	(869-052-00010-8)	37.00	Jan. 1, 2004
210-299	(869-052-00011-6)	62.00	Jan. 1, 2004
300-399	(869-052-00012-4)	46.00	Jan. 1, 2004
400-699	(869-052-00013-2)	42.00	Jan. 1, 2004
700-899	(869-052-00014-1)	43.00	Jan. 1, 2004
900-999	(869-052-00015-9)	60.00	Jan. 1, 2004
1000-1199	(869-052-00016-7)	22.00	Jan. 1, 2004
1200-1599	(869-052-00017-5)	61.00	Jan. 1, 2004
1600-1899	(869-052-00018-3)	64.00	Jan. 1, 2004
1900-1939	(869-052-00019-1)	31.00	Jan. 1, 2004
1940-1949	(869-052-00020-5)	50.00	Jan. 1, 2004
1950-1999	(869-052-00021-3)	46.00	Jan. 1, 2004
2000-End	(869-052-00022-1)	50.00	Jan. 1, 2004
8	(869-052-00023-0)	63.00	Jan. 1, 2004
9 Parts:			
1-199	(869-052-00024-8)	61.00	Jan. 1, 2004
200-End	(869-052-00025-6)	58.00	Jan. 1, 2004
10 Parts:			
1-50	(869-052-00026-4)	61.00	Jan. 1, 2004
51-199	(869-052-00027-2)	58.00	Jan. 1, 2004
200-499	(869-052-00028-1)	46.00	Jan. 1, 2004
500-End	(869-052-00029-9)	62.00	Jan. 1, 2004
11	(869-052-00030-2)	41.00	Feb. 3, 2004
12 Parts:			
1-199	(869-052-00031-1)	34.00	Jan. 1, 2004
200-219	(869-052-00032-9)	37.00	Jan. 1, 2004
220-299	(869-052-00033-7)	61.00	Jan. 1, 2004
300-499	(869-052-00034-5)	47.00	Jan. 1, 2004
500-599	(869-052-00035-3)	39.00	Jan. 1, 2004
600-899	(869-052-00036-1)	56.00	Jan. 1, 2004
900-End	(869-052-00037-0)	50.00	Jan. 1, 2004

Title	Stock Number	Price	Revision Date
13	(869-052-00038-8)	55.00	Jan. 1, 2004
14 Parts:			
1-59	(869-052-00039-6)	63.00	Jan. 1, 2004
60-139	(869-052-00040-0)	61.00	Jan. 1, 2004
140-199	(869-052-00041-8)	30.00	Jan. 1, 2004
200-1199	(869-052-00042-6)	50.00	Jan. 1, 2004
1200-End	(869-052-00043-4)	45.00	Jan. 1, 2004
15 Parts:			
0-299	(869-052-00044-2)	40.00	Jan. 1, 2004
300-799	(869-052-00045-1)	60.00	Jan. 1, 2004
800-End	(869-052-00046-9)	42.00	Jan. 1, 2004
16 Parts:			
0-999	(869-052-00047-7)	50.00	Jan. 1, 2004
1000-End	(869-052-00048-5)	60.00	Jan. 1, 2004
17 Parts:			
1-199	(869-052-00050-7)	50.00	Apr. 1, 2004
200-239	(869-052-00051-5)	58.00	Apr. 1, 2004
240-End	(869-052-00052-3)	62.00	Apr. 1, 2004
18 Parts:			
1-399	(869-052-00053-1)	62.00	Apr. 1, 2004
400-End	(869-052-00054-0)	26.00	Apr. 1, 2004
19 Parts:			
1-140	(869-052-00055-8)	61.00	Apr. 1, 2004
141-199	(869-052-00056-6)	58.00	Apr. 1, 2004
200-End	(869-052-00057-4)	31.00	Apr. 1, 2004
20 Parts:			
1-399	(869-052-00058-2)	50.00	Apr. 1, 2004
400-499	(869-052-00059-1)	64.00	Apr. 1, 2004
500-End	(869-052-00060-9)	63.00	Apr. 1, 2004
21 Parts:			
1-99	(869-052-00061-2)	42.00	Apr. 1, 2004
100-169	(869-052-00062-1)	49.00	Apr. 1, 2004
170-199	(869-052-00063-9)	50.00	Apr. 1, 2004
200-299	(869-052-00064-7)	17.00	Apr. 1, 2004
300-499	(869-052-00065-5)	31.00	Apr. 1, 2004
500-599	(869-052-00066-3)	47.00	Apr. 1, 2004
600-799	(869-052-00067-1)	15.00	Apr. 1, 2004
800-1299	(869-052-00068-0)	58.00	Apr. 1, 2004
1300-End	(869-052-00069-8)	24.00	Apr. 1, 2004
22 Parts:			
1-299	(869-052-00070-1)	63.00	Apr. 1, 2004
300-End	(869-052-00071-0)	45.00	Apr. 1, 2004
23	(869-052-00072-8)	45.00	Apr. 1, 2004
24 Parts:			
0-199	(869-052-00073-6)	60.00	Apr. 1, 2004
200-499	(869-052-00074-4)	50.00	Apr. 1, 2004
500-699	(869-052-00075-2)	30.00	Apr. 1, 2004
700-1699	(869-052-00076-1)	61.00	Apr. 1, 2004
1700-End	(869-052-00077-9)	30.00	Apr. 1, 2004
25	(869-052-00078-7)	63.00	Apr. 1, 2004
26 Parts:			
§§ 1.0-1.160	(869-052-00079-5)	49.00	Apr. 1, 2004
§§ 1.61-1.169	(869-052-00080-9)	63.00	Apr. 1, 2004
§§ 1.170-1.300	(869-052-00081-7)	60.00	Apr. 1, 2004
§§ 1.301-1.400	(869-052-00082-5)	46.00	Apr. 1, 2004
§§ 1.401-1.440	(869-052-00083-3)	62.00	Apr. 1, 2004
§§ 1.441-1.500	(869-052-00084-1)	57.00	Apr. 1, 2004
§§ 1.501-1.640	(869-052-00085-0)	49.00	Apr. 1, 2004
§§ 1.641-1.850	(869-052-00086-8)	60.00	Apr. 1, 2004
§§ 1.851-1.907	(869-052-00087-6)	61.00	Apr. 1, 2004
§§ 1.908-1.1000	(869-052-00088-4)	60.00	Apr. 1, 2004
§§ 1.1001-1.1400	(869-052-00089-2)	61.00	Apr. 1, 2004
§§ 1.1401-1.1503-2A	(869-052-00090-6)	55.00	Apr. 1, 2004
§§ 1.1551-End	(869-052-00091-4)	55.00	Apr. 1, 2004
2-29	(869-052-00092-2)	60.00	Apr. 1, 2004
30-39	(869-052-00093-1)	41.00	Apr. 1, 2004
40-49	(869-052-00094-9)	28.00	Apr. 1, 2004
50-299	(869-052-00095-7)	41.00	Apr. 1, 2004
300-499	(869-052-00096-5)	61.00	Apr. 1, 2004

Title	Stock Number	Price	Revision Date	Title	Stock Number	Price	Revision Date
500-599	(869-052-00097-3)	12.00	⁵ Apr. 1, 2004	72-80	(869-052-00151-1)	62.00	July 1, 2004
600-End	(869-052-00098-1)	17.00	Apr. 1, 2004	81-85	(869-052-00152-0)	60.00	July 1, 2004
27 Parts:				86 (86.1-86.599-99)	(869-052-00153-8)	58.00	July 1, 2004
1-199	(869-052-00099-0)	64.00	Apr. 1, 2004	86 (86.600-1-End)	(869-052-00154-6)	50.00	July 1, 2004
200-End	(869-052-00100-7)	21.00	Apr. 1, 2004	87-99	(869-052-00155-4)	60.00	July 1, 2004
28 Parts:				100-135	(869-052-00156-2)	45.00	July 1, 2004
0-42	(869-052-00101-5)	61.00	July 1, 2004	136-149	(869-150-00155-1)	61.00	July 1, 2003
43-End	(869-052-00102-3)	60.00	July 1, 2004	150-189	(869-052-00158-9)	50.00	July 1, 2004
29 Parts:				*190-259	(869-052-00159-7)	39.00	July 1, 2004
0-99	(869-052-00103-1)	50.00	July 1, 2004	260-265	(869-052-00160-1)	50.00	July 1, 2004
100-499	(869-052-00104-0)	23.00	July 1, 2004	266-299	(869-052-00161-9)	50.00	July 1, 2004
500-899	(869-052-00105-8)	61.00	July 1, 2004	300-399	(869-052-00162-7)	42.00	July 1, 2004
900-1899	(869-052-00106-6)	36.00	July 1, 2004	400-424	(869-052-00163-5)	56.00	⁸ July 1, 2004
1900-1910 (§§ 1900 to 1910.999)	(869-052-00107-4)	61.00	July 1, 2004	425-699	(869-052-00164-3)	61.00	July 1, 2004
1910 (§§ 1910.1000 to end)	(869-052-00108-2)	46.00	⁸ July 1, 2004	700-789	(869-052-00165-1)	61.00	July 1, 2004
1911-1925	(869-052-00109-1)	30.00	July 1, 2004	790-End	(869-050-00164-1)	58.00	July 1, 2003
1926	(869-052-00110-4)	50.00	July 1, 2004	41 Chapters:			
1927-End	(869-052-00111-2)	62.00	July 1, 2004	1, 1-1 to 1-10		13.00	³ July 1, 1984
30 Parts:				1, 1-11 to Appendix, 2 (2 Reserved)		13.00	³ July 1, 1984
1-199	(869-052-00112-1)	57.00	July 1, 2004	3-6		14.00	³ July 1, 1984
200-699	(869-052-00113-9)	50.00	July 1, 2004	7		6.00	³ July 1, 1984
700-End	(869-052-00114-7)	58.00	July 1, 2004	8		4.50	³ July 1, 1984
31 Parts:				9		13.00	³ July 1, 1984
0-199	(869-052-00115-5)	41.00	July 1, 2004	10-17		9.50	³ July 1, 1984
200-End	(869-052-00116-3)	65.00	July 1, 2004	18, Vol. I, Parts 1-5		13.00	³ July 1, 1984
32 Parts:				18, Vol. II, Parts 6-19		13.00	³ July 1, 1984
1-39, Vol. I		15.00	² July 1, 1984	18, Vol. III, Parts 20-52		13.00	³ July 1, 1984
1-39, Vol. II		19.00	² July 1, 1984	19-100		13.00	³ July 1, 1984
1-39, Vol. III		18.00	² July 1, 1984	1-100	(869-052-00167-8)	24.00	July 1, 2004
1-190	(869-052-00117-1)	61.00	July 1, 2004	101	(869-052-00168-6)	21.00	July 1, 2004
191-399	(869-052-00118-0)	63.00	July 1, 2004	102-200	(869-050-00167-5)	50.00	July 1, 2003
400-629	(869-052-00119-8)	50.00	⁸ July 1, 2004	201-End	(869-052-00170-8)	24.00	July 1, 2004
630-699	(869-052-00120-1)	37.00	⁷ July 1, 2004	42 Parts:			
700-799	(869-052-00121-0)	46.00	July 1, 2004	1-399	(869-050-00169-1)	60.00	Oct. 1, 2003
800-End	(869-052-00122-8)	47.00	July 1, 2004	400-429	(869-050-00170-5)	62.00	Oct. 1, 2003
33 Parts:				430-End	(869-050-00171-3)	64.00	Oct. 1, 2003
1-124	(869-050-00122-5)	55.00	July 1, 2003	43 Parts:			
125-199	(869-050-00123-3)	61.00	July 1, 2003	1-999	(869-050-00172-1)	55.00	Oct. 1, 2003
200-End	(869-052-00125-2)	57.00	July 1, 2004	1000-end	(869-050-00173-0)	62.00	Oct. 1, 2003
34 Parts:				44	(869-050-00174-8)	50.00	Oct. 1, 2003
*1-299	(869-052-00126-1)	50.00	July 1, 2004	45 Parts:			
300-399	(869-052-00127-9)	40.00	July 1, 2004	1-199	(869-050-00175-6)	60.00	Oct. 1, 2003
400-End	(869-052-00128-7)	61.00	July 1, 2004	200-499	(869-050-00176-4)	33.00	Oct. 1, 2003
35	(869-052-00129-5)	10.00	⁶ July 1, 2004	500-1199	(869-050-00177-2)	50.00	Oct. 1, 2003
36 Parts				1200-End	(869-050-00178-1)	60.00	Oct. 1, 2003
1-199	(869-052-00130-9)	37.00	July 1, 2004	46 Parts:			
200-299	(869-052-00131-7)	37.00	July 1, 2004	1-40	(869-050-00179-9)	46.00	Oct. 1, 2003
300-End	(869-050-00131-4)	61.00	July 1, 2003	41-69	(869-050-00180-2)	39.00	Oct. 1, 2003
37	(869-052-00133-3)	58.00	July 1, 2004	70-89	(869-050-00181-1)	14.00	Oct. 1, 2003
38 Parts:				90-139	(869-050-00182-9)	44.00	Oct. 1, 2003
0-17	(869-052-00134-1)	60.00	July 1, 2004	140-155	(869-050-00183-7)	25.00	Oct. 1, 2003
18-End	(869-052-00135-0)	62.00	July 1, 2004	156-165	(869-050-00184-5)	34.00	Oct. 1, 2003
39	(869-052-00136-8)	42.00	July 1, 2004	166-199	(869-050-00185-3)	46.00	Oct. 1, 2003
40 Parts:				200-499	(869-050-00186-1)	39.00	Oct. 1, 2003
1-49	(869-052-00137-6)	60.00	July 1, 2004	500-End	(869-050-00187-0)	25.00	Oct. 1, 2003
50-51	(869-052-00138-4)	45.00	July 1, 2004	47 Parts:			
52 (52.01-52.1018)	(869-052-00139-2)	60.00	July 1, 2004	0-19	(869-050-00188-8)	61.00	Oct. 1, 2003
52 (52.1019-End)	(869-050-00139-0)	61.00	July 1, 2003	20-39	(869-050-00189-6)	45.00	Oct. 1, 2003
53-59	(869-052-00141-4)	31.00	July 1, 2004	40-69	(869-050-00190-0)	39.00	Oct. 1, 2003
60 (60.1-End)	(869-052-00142-2)	58.00	July 1, 2004	70-79	(869-050-00191-8)	61.00	Oct. 1, 2003
60 (Apps)	(869-052-00143-1)	57.00	July 1, 2004	80-End	(869-050-00192-6)	61.00	Oct. 1, 2003
*61-62	(869-052-00144-9)	45.00	July 1, 2004	48 Chapters:			
63 (63.1-63.599)	(869-052-00145-7)	58.00	July 1, 2004	1 (Parts 1-51)	(869-050-00193-4)	63.00	Oct. 1, 2003
63 (63.600-63.1199)	(869-052-00146-5)	50.00	July 1, 2004	1 (Parts 52-99)	(869-050-00194-2)	50.00	Oct. 1, 2003
*63 (63.1200-63.1439)	(869-052-00147-3)	50.00	July 1, 2004	2 (Parts 201-299)	(869-050-00195-1)	55.00	Oct. 1, 2003
63 (63.1440-End)	(869-050-00147-1)	64.00	July 1, 2003	3-6	(869-050-00196-9)	33.00	Oct. 1, 2003
64-71	(869-052-00150-3)	29.00	July 1, 2004	7-14	(869-050-00197-7)	61.00	Oct. 1, 2003
				15-28	(869-050-00198-5)	57.00	Oct. 1, 2003
				29-End	(869-050-00199-3)	38.00	⁹ Oct. 1, 2003
				49 Parts:			
				1-99	(869-050-00200-1)	60.00	Oct. 1, 2003

Title	Stock Number	Price	Revision Date
100-185	(869-050-00201-9)	63.00	Oct. 1, 2003
186-199	(869-050-00202-7)	20.00	Oct. 1, 2003
200-399	(869-050-00203-5)	64.00	Oct. 1, 2003
400-599	(869-050-00204-3)	63.00	Oct. 1, 2003
600-999	(869-050-00205-1)	22.00	Oct. 1, 2003
1000-1199	(869-050-00206-0)	26.00	Oct. 1, 2003
1200-End	(869-048-00207-8)	33.00	Oct. 1, 2003
50 Parts:			
1-16	(869-050-00208-6)	11.00	Oct. 1, 2003
17.1-17.95	(869-050-00209-4)	62.00	Oct. 1, 2003
17.96-17.99(h)	(869-050-00210-8)	61.00	Oct. 1, 2003
17.99(i)-end	(869-050-00211-6)	50.00	Oct. 1, 2003
18-199	(869-050-00212-4)	42.00	Oct. 1, 2003
200-599	(869-050-00213-2)	44.00	Oct. 1, 2003
600-End	(869-050-00214-1)	61.00	Oct. 1, 2003
CFR Index and Findings			
Aids	(869-052-00049-3)	62.00	Jan. 1, 2004
Complete 2004 CFR set	1,342.00		2004
Microfiche CFR Edition:			
Subscription (mailed as issued)	325.00		2004
Individual copies	2.00		2004
Complete set (one-time mailing)	298.00		2003
Complete set (one-time mailing)	298.00		2002

¹ Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

² The July 1, 1985 edition of 32 CFR Parts 1-189 contains a note only for Parts 1-39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1-39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

³ The July 1, 1985 edition of 41 CFR Chapters 1-100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

⁴ No amendments to this volume were promulgated during the period January 1, 2003, through January 1, 2004. The CFR volume issued as of January 1, 2002 should be retained.

⁵ No amendments to this volume were promulgated during the period April 1, 2000, through April 1, 2004. The CFR volume issued as of April 1, 2000 should be retained.

⁶ No amendments to this volume were promulgated during the period July 1, 2000, through July 1, 2004. The CFR volume issued as of July 1, 2000 should be retained.

⁷ No amendments to this volume were promulgated during the period July 1, 2002, through July 1, 2004. The CFR volume issued as of July 1, 2002 should be retained.

⁸ No amendments to this volume were promulgated during the period July 1, 2003, through July 1, 2004. The CFR volume issued as of July 1, 2003 should be retained.

⁹ No amendments to this volume were promulgated during the period October 1, 2001, through October 1, 2003. The CFR volume issued as of October 1, 2001 should be retained.

TABLE OF EFFECTIVE DATES AND TIME PERIODS—MAY 2001

This table is used by the Office of the Federal Register to compute certain dates, such as effective dates and comment deadlines, which appear in agency documents. In computing these

dates, the day after publication is counted as the first day.

When a date falls on a weekend or holiday, the next Federal business day is used. (See 1 CFR 18.17)

A new table will be published in the first issue of each month.

DATE OF FR PUBLICATION	15 DAYS AFTER PUBLICATION	30 DAYS AFTER PUBLICATION	45 DAYS AFTER PUBLICATION	60 DAYS AFTER PUBLICATION	90 DAYS AFTER PUBLICATION
Dec 3	Dec 17	Dec 17	Jan 16	Jan 31	March 4
Dec 3	Dec 18	Jan 2	Jan 17	Feb 1	March 4
Dec 4	Dec 19	Jan 3	Jan 18	Feb 4	March 4
Dec 5	Dec 20	Jan 4	Jan 22	Feb 4	March 5
Dec 6	Dec 21	Jan 7	Jan 22	Feb 4	March 6
Dec 10	Dec 24	Jan 8	Jan 23	Feb 7	March 11
Dec 10	Dec 26	Jan 9	Jan 24	Feb 8	March 11
Dec 11	Dec 26	Jan 10	Jan 25	Feb 11	March 11
Dec 12	Dec 27	Jan 11	Jan 28	Feb 11	March 12
Dec 13	Dec 28	Jan 14	Jan 28	Feb 11	March 13
Dec 17	Dec 31	Jan 15	Jan 30	Feb 14	March 18
Dec 17	Dec 17	Jan 16	Jan 31	Feb 15	March 18
Dec 18	Jan 2	Jan 17	Feb 1	Feb 19	March 18
Dec 19	Jan 3	Jan 18	Feb 4	Feb 19	March 19
Dec 20	Jan 4	Jan 22	Feb 4	Feb 19	March 20
Dec 24	Jan 7	Jan 22	Feb 6	Feb 21	March 25
Dec 24	Jan 8	Jan 23	Feb 7	Feb 22	March 25
Dec 26	Jan 10	Jan 25	Feb 11	Feb 25	March 26
Dec 27	Jan 11	Jan 28	Feb 11	Feb 25	March 27
Dec 31	Jan 14	Jan 29	Feb 13	Feb 28	April 1
Dec 31	Jan 15	Jan 30	Feb 14	March 1	April 1